



Posted: Friday, September 07, 2018

## NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, SEPTEMBER 12<sup>th</sup>, 2018, at 6:00 PM**  
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

### CLOSED SESSION BEGINS at 5:00PM

- I. **CALL TO ORDER**
- II. **ADJOURN TO CLOSED SESSION**
  - 1. Real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. Pursuant to California Government Code section 54956.8
  - 2. Real estate negotiations between the City of Trinidad and Charles Garth regarding 1 North Westhaven Dr. Pursuant to California Government Code section 54956.8
  - 3. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957
- III. **RECONVENE TO OPEN SESSION – CLOSED SESSION REPORT**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES - 07-25-18 cc2, 08-08-18 cc, 08-09-18 scc, 08-14-18 scc**
- VII. **COUNCIL REPORTS/COMMITTEE ASSIGNMENTS**
- VIII. **STAFF REPORTS**
- IX. **ITEMS FROM THE FLOOR**

*At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.*
- X. **CONSENT AGENDA**

*All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.*

  - 1. Staff Activity Report August 2018
  - 2. Financial Statements July 2018
  - 3. Law Enforcement Report August 2018
  - 4. Agreement for Services with SHN for Stormwater Project CEQA & Permitting
  - 5. Approve Change Order #1 To Agreement with Wahlund, Inc., for East St. Water Line Replacement
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
  - 1. Discussion/Decision regarding the Draft Response to the Grand Jury Report.
  - 2. Discussion/Decision regarding development of an Administrative Fines Ordinance.
  - 3. Discussion/Decision regarding Appointment of a Council Liaison to the Planning Commission
  - 4. Discussion/Decision regarding Trinidad Head Cell Tower Lease Agreement.
- X. **FUTURE AGENDA ITEMS**
- XI. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JULY 25, 2018 CC2

AUGUST 08, 2018 CC

AUGUST 09, 2018 SCC

AUGUST 14, 2018 SCC

Supporting Documentation follows with:

13 PAGES

**MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JULY 25, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Rotwein, Miller, Baker. **Ladwig – Absent.** City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Engineer Dagan Short.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. Conference with legal counsel regarding active litigation. *Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)*
2. Real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. *Pursuant to California Government Code section 54956.8*
3. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT – Nothing to report.**

**V. APPROVAL OF AGENDA**

*Motion (West/Miller) to approve the agenda as written. Passed 4-0.*

**VI. APPROVAL OF MINUTES – No minutes submitted for approval.**

**VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS**

**West:** Nothing to report

**Baker:** Nothing to report

**Miller:** RCEA meeting report.

**Rotwein:** Government meeting with the Trinidad Rancheria held in July. Discussed Harbor to Trust status, tree trimming on Scenic Drive, 101 off-ramp status, and Tsunami Siren project. Attended HCAOG meeting, filling in for West.

**VIII. STAFF REPORTS**

**City Manager Berman** noted various accomplishments and project updates that took place this month. Highlights included: The City is currently hiring for Public Works and Administrative support positions. Update on ATT and Stormwater projects, Grand Jury Report, Complaints, Law Enforcement Staffing Assignments, Civic Club and Reinman Apartment applications being considered at the August Planning Commission meeting.

**Mayor Rotwein:** 1) Concerned about Van Wycke Trail Safety. 2) The Rancheria is pursuing a contract with the County to hire a full-time deputy. 3) The City needs to conduct exit interviews with employees that resign or are dismissed. 4) The City also needs to address health benefits before hiring new employees. 5) Asked the City Manager to italicize or bold new additions and updates to the staff report.

**West:** Is it true that there was no Law Enforcement coverage over the July 04 holiday?

**IX. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Mayor Rotwein** read a statement to set a tone and encourage respectful public comments and discourage bullying and intimidation from anyone participating in public meetings.

**Mike Morgan – Trinidad**

Filed a written complaint against City Manager Berman for an offensive comment made during a recent interaction with him, and the City's response to a second-hand complaint received about Morgan's conduct at a recent Planning Commission meeting.

**Dorothy Cox – Trinidad**

Explained, in detail, an incident she experienced with Mike Morgan at a recent Planning Commission meeting where he displayed a self-defense device that was referenced in a second-hand complaint submitted to the City without her knowledge. She stated that she knows what she saw, and she isn't a liar. Urged the Council to meet with Planning Commission Chairman John Graves and sort this out.

**Brett Gregory** – Vice-Chair, Trinidad Planning Commission

I too witnessed the Mike Morgan incident and stand by the account I shared with the City Manager at his request. I do not appreciate his report. I witnessed it. It bothered me. My credibility has been called into question. I can't make decisions in the same room as Mr. Morgan and hereby resign from the Planning Commission, effective immediately.

**X. CONSENT AGENDA**

1. Staff Activity Report May-June 2018
2. Financial Statements May 2018
3. Law Enforcement Report June 2018

*Motion (West/Miller) to approve consent items 1-3. Passed 4-0.*

4. Discussion/Decision regarding Procedure for Reviewing County Cannabis Referrals.

Rotwein recommended adding "ASBS" to the last sentence of procedure no.2, and "...staff will meet with County Planning Staff twice each year..." at the end of the sentence in procedure no.5.

*Motion (Baker/West) to approve the Review Procedure with additions as recommended. Passed 4-0.*

**XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion/Decision regarding Resolution 2018-08; Adopting the FY 2018-2019 Budget.

City Manager Berman explained that the proposed FY 2019 City of Trinidad budget is submitted to the Council for review tonight. He summarized the changes made from the last meeting.

A brief summary of City Program Areas is included below.

**General Fund Administration (2.1 FTE)**

This budget unit funds pro-rated employee salaries, liability, property and casualty insurance, contracted planner, building official, attorney, financial contractor, bookkeeper, auditor, lease of city annex and library, utility costs, distribution of transient occupancy taxes (TOT), and office supplies. This budget includes a new full time administrative assistant position that is currently being advertised.

Planner activities are budgeted as follows\*

• General Plan/LCP	\$ 22,000
• STR Ordinance	3,000
• Planning Commission	8,000
• Permits (offset by revenue)	net zero
• City Projects	4,000
• Miscellaneous, general planning	14,000
• OWTS Permits (offset by OWTS fees)	
	\$51,000

Attorney costs are estimated at \$20,000, which includes \$10,000 toward defense of litigation.

Building Official \$7,000 plus reimbursable permit process fees.

Distribution of a portion of TOT receipts (~\$15,000)

**General Fund Law Enforcement (.1 FTE - counting City staff time only)**

\$75,000 in Measure Z funds will be used to maintain 1.5 full time Deputy Sheriffs. This provides an assigned deputy working a 10 hour shift six days a week. \$105,000 is anticipated to be funded by Community Oriented Policing Services (COPS) revenue.

**General Fund Fire**

The Fire budget includes \$5,000 to start replacing outdated SCBA (Breathing Apparatus) equipment.

**General Fund Public Works (1.9 FTE)**

Budget includes pro-rated staffing costs, town hall, annex and library supplies, street paint, signs, trail and park maintenance. Specific Projects include:

Town Hall Maintenance work	\$15,000
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OWTS Permitting	(costs are in staff time)
Trail Maintenance	\$3,500
Contracting for Grounds Maintenance	\$20,000

Completing Implementation of the OWTS Permit system across the City is a priority project this year. Staff are utilizing CalFire crews for trail maintenance and working to develop a contract with HCAR (Humboldt Community Access and Resource Center) for some grounds-keeping work.

#### **Integrated Waste Management (.28 FTE)**

This Budget includes pro-rated staffing costs, franchise revenue and AB939 pass through from Humboldt Waste Management Authority.

Revenue:	\$ 16,700
Expenditures:	\$ 22,944
Difference (from fund balance)	\$ (6,244)

The expected deficit of \$6,244 can be absorbed from the remaining IWM fund balance of ~\$9,000. The auditor recommends incorporating this program into the General Fund once the fund balance is depleted.

#### **Cemetery (.35FTE)**

Budget includes pro-rated staffing costs and plot sales.

Revenues:	\$ 6,200
Expenditures:	\$ 24,343
Difference (from reserve)	\$ 18,143

Cash assets in this fund are approximately \$90,000, and will cover this deficit. The cemetery fund is steadily declining. The auditor recommends that the City plan for the General Fund to absorb cemetery maintenance costs in the long run.

#### **Water Fund (2.1 FTE)**

The City's Water Enterprise Fund is doing well. We have completed major improvements to the Water Treatment Plant in recent years. This budget includes setting \$20,000 aside for reserves and budgeting for water line repairs. Water line replacement work is planned for East St., to be done concurrently with storm water grant work in summer 2018.

#### **Public comment included:**

##### **Dorothy Cox – Trinidad**

What about merit increases and longevity pay? This was promised but not delivered last year. **City Manager Berman** stated that upon approval of this budget, merit and longevity pay increases will be implemented.

##### **Mike Morgan – Trinidad**

Where can the budget be cut? **City Manager Berman** explained that there will be salary savings by hiring employees at the lower level, the City will be reviewing its fees for service, TOT distribution will be reviewed, and RCEA is assisting the City on an energy/solar review that may result in future utility expense savings.

#### **Council comments included:**

**Baker:** I'm concerned with how much time is being consumed by Staff for public records requests and STR complaints. I also want to retain a good Grant Administrator and see the results of a compensation study.

**Rotwein:** I would like the City to consider, 1) purchasing property instead of paying rent for City facilities, 2) negotiating with Rancheria for revenues lost if Harbor goes into Trust status, 3) Move all Staff to one central facility, 4) Spending within our means, and 5) Grant Administrator fully funded by grant projects. I don't support wasting money on a compensation study.

**Miller:** I support the General Fund contributing to the Grant Administrator position, and want to see a comprehensive salary study to see how Trinidad salaries measure up.

**West:** I was hoping the City Manager would explain why the Grant Administrator position is so important to the City, and present the information in a cost vs. benefit analysis format.

**City Manager Berman** explained that often times grants – such as the State grant to repair the Van Wycke Trail – require the Administrator role to be provided by the City without reimbursement. He also recommended funding the compensation study. It should have been done years ago and is an important piece of long-term fiscal planning. Staff deserves this information.

*Motion (Miller/West) to adopt the budget as presented, and approve Resolution 2018-08. Passed 4-0.*

2. Discussion/Decision regarding Second Reading of Ordinance 2018-02: Time-Limited Parking Restriction on Edwards Street Bluff between Trinity Street and Ocean Avenue.

City Manager Berman explained that this Ordinance would amend the City Code to establish time limits on parking at the Upper Edwards St. View area (the south side of Edwards St. between Ocean Ave. and Trinity St.) This is a very popular view area for residents and visitors. There is currently nothing preventing people from parking there all day. Staff agrees with the Council's direction that this area is appropriate for time limited parking so that more people can enjoy the view and move on for the next person.

The proposed Ordinance provides for 20-minute parking. This has the advantage of being easy to indicate with a green painted curb that is familiar to people. 20-minute parking is consistent with the idea that this is a place to stop and enjoy the view, but not an appropriate place to park for an extended period. That can be done away from the bluff edge view locations.

As with most City Code, voluntary compliance will be the primary approach, but enforcement will be possible through the Humboldt County Sheriff's Office. City staff cannot issue parking tickets, but we can help document the time someone has been parked, and create formal warning 'tickets' to facilitate compliance.

California Coastal Commission staff have advised City staff that a Coastal Development Permit should be issued by the City in conjunction with this change as they consider this a 'project' under the Coastal Act. This City's Local Coastal Plan is silent on parking restrictions. Staff recommend moving forward with the Ordinance adoption – if a CDP is necessary it can be pursued subsequently.

Public comment included:

**Mike Morgan** – Owner, Trinidad Bay Bed & Breakfast

Explained why 20-minute parking is more efficiently enforceable, and the types of experiences he hopes to avoid by having the time limit in place.

**Dorothy Cox** – Trinidad

20-minutes is reasonable, but this is mainly a summer issue. I'd like to leave it the way it is.

**Erin Rowe** – Trinidad

I live on lower Edwards Street. I would like to see the entire south side of the street be painted red all the time, with exceptions for resident parking.

Council comment included:

**West:** Would it be possible to make half the space 20 minute, and the other half 2-hour? This would preserve many of the parking spaces we're losing throughout town.

**Rotwein:** 20-minute parking seems very reasonable, and parking should be developed elsewhere in the future.

*Motion (Miller/Baker) to waive the full reading of Ordinance 2018-01 and approve the second reading.*

**Passed 4-0.**

3. Discussion/Decision regarding Right-of-Way Issues surrounding the Hector/Parker Stormwater Construction.

City Manager Berman explained that the construction work currently underway on Hector and Parker St. may provide a cost effective opportunity to consider right of way issues in this area. The project as bid is largely not changing paved street widths, with the exception of narrowing the street as Parker St. curves onto Hector in front of the Holy Trinity Church. This is due to the fact that the previous pavement edge was partially on the Church Property, and the City is correcting that problem, and making sure all the infrastructure is clearly in the public right of way.

The Council has discussed some of these issues recently in regard to the narrow spot on Parker St. that has significant encroachment across from the four-plex apartments. The council direction was to paint a red stripe along that stretch to address people parking in this narrow location. That has been done.

Council comment included:

**Rotwein:** My proposal is to utilize the construction equipment that is already on site to remove the encroachment on Parker Street.

Public comment included:

**Dorothy Cox** – Trinidad

Questions about other encroachments that have been allowed on Underwood.

**City Engineer Dagan Short** explained that Wahlund submitted a change order for approximately \$33,000 to widen the street along the Hector and Underwood intersection and remove and pave over the encroachment at Parker Street. This project will contradict the stormwater management objectives to increase impervious surfaces to absorb polluted run-off before it enters Trinidad Bay. Signage and removing visual obstructions would be best at this point. Grassy areas should be left alone for parking, or at minimum have gravel or impervious pavers installed. It may cost \$7500 to remove the encroachment on Parker and graveling Hector Street parking spaces.

Council comments included:

**Miller:** There is merit to having traffic calming landscaping and I'd like to first see how well the red stripe works to improve the safety issue. I'm comfortable with narrow streets.

**West:** Will we save money by having Wahlund do the work? **City Engineer Dagan Short** explained that competitive bids usually get the best dollar value, and having the contractor onsite do the work may backfire since the work gets sole-sourced without reviewing alternative bids.

**Baker:** There should be a public process where homeowners are notified and have the option to deal with removing the encroachment that they've been maintaining. From a planning perspective, I don't like spur of the moment decisions. I think Public Works staff should be reviewing encroachments on a regular basis.

**Rotwein:** We should at least work with the property owner to remove the hedge. Safety is the top priority. Leave the red stripe, and request a signage plan from GHD for Hector/Underwood/Parker intersection. *The Council agreed, by consensus.*

4. Discussion/Decision regarding Trinidad Head Cellular Facility Lease.  
*Continued to a future meeting.*

**XI. FUTURE AGENDA ITEMS**

- **Miller:** Noise Ordinance
- STR Enforcement Issue Follow-Up
- Grand Jury Response

**XIII. ADJOURNMENT: 8:50pm**

Submitted by:

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

Approved by:

\_\_\_\_\_  
**Susan Rotwein**  
Mayor

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, AUGUST 08, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. Real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. Pursuant to California Government Code section 54956.8
2. Real estate negotiations between the City of Trinidad and Charles Garth regarding 1 North Westhaven Drive. Pursuant to California Government Code section 54956.8
3. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT**

- 1) A committee of 2 Councilmembers will be meeting to review the real estate purchase concept.
- 2) Continued follow-up on the Verizon lease negotiation.

**V. APPROVAL OF AGENDA**

Move the TBAM Resolution up and have it read next on the agenda. Mayor Rotwein read the resolution. Motion (Ladwig/Baker) to approve the agenda as amended. **Passed unanimously.**

**VI. APPROVAL OF MINUTES – 06-14-18 scc, 06-27-18 cc2**

Motion (Ladwig/Baker) to approve minutes as amended. **Passed unanimously.**

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West:** Nothing to report.

**Baker:** Nothing to report.

**Ladwig:** Nothing to report.

**Rotwein:** Met with Planning Commission Chair John Graves on priorities, minute taking, and meeting schedules. Trail safety will be discussed at the next trail meeting.

**Miller:** Update on RCEA Choice Power Program. Their targeted reserves are being met, with an average of 2% savings on everyone's bill.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Construction project updates, 2) Stagecoach bridge proposal, 3) working with bookkeeper to get the budget implemented, 4) hiring process underway for Admin and Public Works position, 5) Trail Safety issue on Parker Creek Trail being addressed with help from the Trinidad Coastal Land Trust, 6) Special meeting will be held on 08/09.

Mayor Rotwein requested City Manager follow-up on 1) there were no law enforcement reports included, 2) no financial reports included, 3) need to review fines and fees, 4) update our fees for service.

**IX. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Dorothy Cox – Trinidad**

Questions about election deadlines.

**Jim Cuthbertson – Trinidad**

Cherry Trees on East looks ugly. Concerned with the delay of tree cutting permits being issued on Van Wycke.

**Brett Gregory – Trinidad**

Recently resigned from the Planning Commission. The last Commissioner removed by the Council was done so due to unethical behavior. I was recently approached and harassed by Mike Morgan at my business (Salty's). I invite the Council to visit me and watch the video footage my security camera recorded. Quoted a section from the city's ethics code. Apathy is unacceptable and unethical.

## **X. CONSENT AGENDA**

1. Staff Activity Report July 2018  
*Motion (Ladwig/West) to approve #1. Passed unanimously.*
2. Financial Statements June 2018  
*Continue to a future meeting.*
3. Law Enforcement Report July 2018  
*Continued to a future meeting.*
4. Resolution 2018-09: Recognizing the 2<sup>nd</sup> Annual Trinidad Bay Arts and Music Festival, August 10-12 & 17-19.  
*Motion (Miller/West) to approve #4. Passed unanimously.*

## **XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion/Decision regarding City Response to Grand Jury Report.  
City Manager Berman explained that the Humboldt County Grand Jury issued a report regarding short-term rentals in Trinidad, dated June 25<sup>th</sup>, 2018. The City Council and the City Manager, are required to provide a formal response to the findings and recommendations of the report within 90 days, or approximately September 25<sup>th</sup>.

**Baker:** The Grand Jury used a different methodology for this process with Trinidad. They didn't interview any Councilmembers. I'm suspicious that we were the ones being investigated. Why was Jack and I's committee report not included in their findings? The Council was left out of this process. I'd like answers before we respond, and I think our response should be strong.

Public comment included:

**Dorothy Cox** – Trinidad

Question about why the STN response was not published on the City website? The City Manager has not responded to the complaints we submitted months ago. Meet and greets are not happening either.

**Mike Pinske** – Trinidad

While I was on the Planning Commission, Commissioner Johnson and I developed a complaint process flow-chart. This flow chart should be incorporated with the complaint on the website. The Grand Jury suggests that law enforcement should be integrated into the STR regulation enforcement process. This, however, can be problematic. The Grand Jury did not say the ordinance was lacking. The City needs to be willing to commit to the process of improving the STR process.

**Richard Johnson** – Trinidad Planning Commissioner

This is a testament to the community's hard work. The flow chart was intended to have hyperlinks that would reference complaint numbers, and make the complaint status traceable. Chart segments would be linked to various sections of the ordinance for reference.

Written correspondence submitted:

**Kathleen Lake** – STN

Response to the Grand Jury Report dated August 03, 2018.

Council comments included:

**West:** The draft response is good, but needs improvement.

**Miller:** Thanked the Planning Commission for their input tonight. This item is an example of something we've been processing for years. The ordinance is good. The flow chart should be incorporated into the City's complaint system.

**Baker:** When we're asked questions from the public, we need to respond and have legal counsel respond with us, with respect to recusals of Council and Staff. Over the last few years there have been requests by the public for everyone to be fired. If we support the Staff, we should stand behind them.



**Rotwein:** This is a response to a report, not a policy making decision and I agree, we should address recusals in our response.

*Motion (Ladwig/Miller) to volunteer as a committee of 2 to work with the City Manager and develop a final draft response to the Grand Jury that includes legal advice, Council input, and public input and bring back for final approval. **Passed unanimously.***

2. Discussion/Decision regarding the City Personnel Policy Handbook.

City Manager Berman explained that the City last updated its Employee Policies and Procedures Manual in 2013. There have been changes in State laws regarding some leave and employment policies since then which require an update to bring our Manual into compliance with current law.

Consistency and clarification of this Manual will minimize liability exposure to the City, so the project is eligible and has been funded through a grant program administered by the City's insurance provider (PARSAC). The local law firm of Mitchell, Brisso, Delany and Vrieze has reviewed and updated the Manual for consistency with current law. The Firm has now completed the proposed rewrite for legal compliance. The primary changes from the current to the updated version are as follows:

- Clarification of definitions for consistency throughout and to correspond to actual practice;
- Revisions and additions to the Conflict of Interest and Acceptance of Gifts section;
- Modification of sick leave policies to reflect new state law requiring minimum sick leave for all employees (part or full time)
- Incorporation of New Parent Leave Act (required minor changes to our current family leave policy).
- Incorporation of new Harassment and Discrimination policies in accordance with recent state law.
- Revisions to the Drug and Alcohol Use Policy to reflect the legalization of cannabis.

**Other Possible Policy Changes:**

In addition to these changes for legal compliance, the City could also use this adoption of a revised Manual to consider other policy changes. Councilmembers have expressed specific interest in revisiting the current two-tier medical benefits policy, and adding a longevity benefit.

Longevity Policy– staff recommend implementing a fixed percent raise upon completion of 10, and 20 years of service respectively. Staff recommend 2.5% (essentially one additional 'step' in our salary matrix)

**Medical Premiums –**

The current policy is that for employees hired after 2012, the City pays 100% of medical insurance premiums for employees and 70% of the cost for their dependents (spouse and children). For employees hired prior to that change, the City pays 100% of the employee and their dependent's insurance premium.

Our only employee who fell into the more recent '70%' tier has just left City employment. We are about to hire two new employees, so any changes to the tiered policy would apply to them. Staff has done some preliminary investigations into other local city/agency medical benefits, but it may be misleading to compare medical coverage in isolation, when retirement benefits, wages, and medical together are the key components of total compensation.

The Council has budgeted for a compensation study this year. Staff see that as an appropriate place to do a comprehensive analysis of our wages and benefits and evaluate possible changes at that time. Staff's recommendation is to hire the new employees under the existing (revised) Manual, with an explicit agreement with them that the benefits package will be adjusted this year, and the adjustments will apply to them.

There was no public comment.

Council comment included:

**Rotwein:** 1) I'd like to see exit interviews conducted when employees leave the City. 2) 10, 15, 20 year longevity bonuses, and instead of 2.5% at each benchmark, maybe we could consider 1-time payments. 3) Zero dependent coverage until compensation study is performed.

**Ladwig:** I'd rather add insurance coverage instead of taking it away, so it seems best to start with no dependent coverage then add it later if agreeable. The compensation study is very important.

**West:** I support percentage increases at longevity benchmarks.

**Miller:** I'm strongly in favor of covering dependents as the current policy states – 100% for individual, 70% for dependents. I also want to complete the salary study as soon as possible.

*Motion (Rotwein/West) to include an exit interview requirement into the policy. **Passed unanimously.***

*Motion (Ladwig/Baker) to offer the employee 100% medical coverage, but not cover dependents until the compensation study is performed, reviewed, and discussed. **Motion passed 4-1. (No – Miller).***

*Longevity pay discussion tabled to a future meeting, pending more information is presented for consideration.*

3. Discussion/Decision regarding Cell Tower Lease Negotiations.  
*Lease has not been finalized. Item tabled to a future meeting.*

#### **XI. FUTURE AGENDA ITEMS**

- Grand Jury Report
- Longevity Pay
- Review of Fines/Fees
- Procedures for sharing public comments on website and meeting packet
- Noise Ordinance
- Law Enforcement Meeting re: enforcing city ordinances.
- Tuesday, August 14 closed session meeting for City Manager evaluation.
- Second Regular Meeting on August 22 cancelled.
- Special Meeting August 09 to discussion Planning Commissioner issue.
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#### **XIII. ADJOURNMENT: 8:00 pm**

**Submitted by:**

**Approved by:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Susan Rotwein**  
Mayor



**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**THURSDAY, AUGUST 09, 2018**

**I. CALL TO ORDER**

Mayor Pro-Tem Miller called the meeting to order at 5:30pm. Council members in attendance: Ladwig, Baker Miller. ***Rotwein & West were absent.*** City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC COMMENT ON CLOSED SESSION ITEMS - None**

**IV. ADJOURNMENT TO CLOSED SESSION**

1. Conference with Legal Counsel regarding threatened litigation from Mike Morgan regarding City Manager actions. Pursuant to California Government Code Section 54956.9 (a)

**V. RECONVENE TO OPEN SESSION - CLOSED SESSION REPORT – Nothing to report.**

**VI. APPROVAL OF AGENDA**

Motion (Baker/Ladwig) to approve the agenda. **Passed 3-0.**

**VII. ITEMS FROM THE FLOOR - NONE**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**VIII. DISCUSSION/ACTION AGENDA ITEMS**

1. Discussion/Decision Regarding Allegations of Code of Ethics Violations by Planning Commissioner Mike Morgan.

**Mayor Pro-Tem Miller** explained that this meeting was requested by active members of the community regarding an ethics issue that involves Planning Commissioner Mike Morgan. This special meeting has been called with short notice. Originally, 4 Council members were expected to attend, but one realized earlier today that their attendance, by phone, would not be possible. We invite the community to share comments tonight.

City Manager Berman explained that the City's Code of Ethics for Council and Planning Commissioners provides that "any member may place and allegation of an Ethics Code violation on the City Council agenda, and it shall always be placed first in order on the agenda."

Councilmember Miller has requested such as discussion regarding the conduct of Planning Commissioner Mike Morgan, related to the June 19<sup>th</sup> complaint regarding Mr. Morgan, and the information and actions that have followed that complaint.

The initial complaint, and the response to it, are before the Council tonight for review. Since that response was created, the anonymous person described in the report has identified herself, and reiterated her account and concerns. The Council also heard directly from Mr. Brett Gregory, who stated he witnessed the initial incident.

A second complaint regarding Mr. Morgan's behavior has been filed and is also before the Council for review tonight. It is regarding a recent confrontation between Mr. Morgan and Mr. Gregory related to this issue. Mr. Morgan has also made a complaint against the City Manager in relation to Staff's response to the initial complaint.

Staff is concerned that 1) bringing weapons of any kind to public City meetings is unnecessary and destructive to the goals of fostering positive civic engagement, and 2) Mr. Morgan's response to Staff, members of the public, and fellow Commissioners with regard to the initial complaint has resulted in further complaints about his behavior, and generally inflamed the situation rather than helping bring it to any resolution.

Council questions included:

**Ladwig:** Was Mr. Morgan made aware of this meeting? CM Berman confirmed that we spoke to Mr. Morgan yesterday and alerted him of the scheduled meeting.

**Baker:** We may need to table this item. Asked the City Attorney to define "sanctions" in terms of disciplining fellow Council or Planning Commissioners.

**City Manager Berman** apologized for losing his cool as Mr. Morgan stated in his complaint.

Public comment included:

**Tyler James** – Trinidad Bay B&B

Read statement submitted by email on 08/09/18, supporting Mike Morgan and sharing his account of events as they unfolded following the alleged incident that occurred at the May Planning Commission meeting.

**John Graves** – Trinidad Planning Commission Chair

It is my personal opinion that Mr. Morgan has become a distraction to the City and should be removed immediately. I did not see a weapon displayed as alleged, but distractions like this are not helpful.

Tom Davies – I disagree that this is only a personal conflict. Dorothy came to me. Brett came to me. I received a cease and desist letter from Mr. Morgan. Personal issues happened after the initial incident. I can't sit next to someone who could harm someone in a Council meeting for speaking their opinion.

**Brett Gregory** – Trinidad

I was called a liar. I did say "F.U." to Mike after he said the same to me. I have surveillance video recordings of Mike and I's encounter at my business. I encourage you to watch it with me to see how Morgan behaved. It's obvious to me why Mayor Rotwein and Mr. Morgan are not here tonight.

**Dorothy Cox** – Trinidad

Recapped the account of the May 09 City Council meeting where Morgan was appointed, and of the May 16 Planning Commission meeting where the incident occurred. She met with the City Manager about the incident, but recent encounters with Morgan have left her very unsettled. Morgan's lies have been perpetuated. If he had just apologized and admitted he did it, this would not be an issue today. I've been name-called, taunted, and intimidated by Morgan. After the verbal assault at Salty's, I'm very concerned about running into him in town. I'm not a liar. He should be removed from the Commission.

**Laurence Jourdan** – Trinidad

I've had many personal and business dealings with Dan and Dorothy Cox, and Brett Gregory. They are not liars.

**Pat Morales** – Trinidad

I've been harassed by Morgan for many years. I do not speak to him. I filed a Police complaint, but Morgan refuses to answer Police questions.

**Dan Cox** – Trinidad

I'm disappointed that Rotwein and Morgan are not here tonight. I'd like to ask Morgan why Dorothy and Brett would make this up. My wife's integrity has been called into question. Brett and Dorothy have integrity. This should have been handled better by Morgan. I hope he gets removed.

Council comments included:

**Ladwig:** I'm sorry I missed the July meeting. Issue #1, Morgan is not here. Issue #2, He has had many opportunities to address and correct this. I do not appreciate his behavior and comments. I have a decision formulating in my mind, and this is the second time Morgan has been warned about behavior and violations of the Ethics Code.

**Baker:** I have spoken to everyone involved prior to this meeting. It means a lot to me when people make passionate testimony, but I would like to hear from Mike and Mayor Rotwein. However, John Graves' statement is very important to me. I voted to appoint Mike based on how he behaved moving forward since that date. As far as I'm concerned, he was on notice from that point on and since then several incidents have affected my feelings about this.

**Miller:** I appreciate Dorothy Cox's comments tonight. I have a great deal of confidence that she is not a liar. I recall back in 2005 when the ethic's code was adopted that there were many issues affecting personal behaviors among Councilmembers. We have the authority to remove Morgan from the Commission tonight, or continue this to a future meeting.

**City Attorney Stunich** reminded the Council that they cannot remove Morgan for Ethic's Code Violations, but they can remove him at any time if it is in the City's best interest.

*Motion (Ladwig/Baker) to remove Mike Morgan from the Planning Commission, in the best interest of the City, effective immediately. Passed 3-0.*

**XIII. ADJOURNMENT: 7:30pm**

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
Trinidad City Clerk

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**Dwight Miller**  
Mayor Pro-Tem

DRAFT

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**TUESDAY, AUGUST 14, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman.

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC COMMENT ON CLOSED SESSION ITEMS - None**

**IV. CLOSED SESSION**

1. Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957

**V. CLOSED SESSION REPORT**

Nothing to report.

**VI. APPROVAL OF AGENDA**

*Council approved the agenda by consensus.*

**VII. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Mike Morgan – Trinidad**

Explained that he was disappointed by Council decision to remove him from the Planning Commission based on false accusations. Provided written statement and information to support his comments.

**Tyler – Trinidad**

Submitted social media posts by Thomas Joseph III harassing Mike and Tyler and the B&B, and shared accounts of Joseph driving by the business verbally harassing them.

**XI. DISCUSSION/ACTION AGENDA ITEMS – None.**

**XIII. ADJOURNMENT: 7:30pm**

Submitted by:

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

Approved by:

\_\_\_\_\_  
**Susan Rotwein**  
Mayor



## CONSENT AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES**

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1. Staff Activity Report August 2018



**Susan Rotwein, Mayor**  
**Dan Berman, City Manager**

## **STAFF ACTIVITIES REPORT**

For Council Meeting of September 12<sup>th</sup> 2018

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*Italics indicate newly updated information.*

### **City Administration:**

#### **Grand Jury Report on Short Term Rentals –**

*The Humboldt County Grand Jury completed a Report regarding Short Term Rentals in Trinidad which was provided to the City in late June. Finalizing a response is one of the action items on the agenda for September 12<sup>th</sup>.*

#### **Complaints –**

*The City received and responded to an STR complaint regarding 10-15 minutes of noise that disturbed a neighbor during quiet hours (between 5 and 6 am in this case). This was not deemed a 'significant violation' but is documented on the record for this property. (see attached Response) The City received a (second) complaint regarding allegedly inappropriate behavior by a Planning Commissioner. This was resolved with the Council's action in August of removing said individual from the Planning Commission.*

#### **Construction in Trinidad**

*The stormwater infiltration work funded by the Ocean Protection Council Proposition 1 is currently underway on Hector/Underwood, and on East Street. The water line in the East Street construction zone has been replaced. The Hidden Creek RV Park has begun construction on a new septic system and a water system upgrade, funded in part through the City's Clean Beaches Initiative grant project to replace failing septic systems.*

**Trails Advisory Committee-** *Trail Construction & Maintenance Policies are under development, and the Trails committee is working with the Gateway Committee to develop a consistent signage concept and recommendations..*

**Public Comment Policy.** *Staff are developing a written policy and procedures to address how written comments will be handled with regard to the agenda packets, website postings, and distribution. .*

**OWTS Permits -** *Staff progress on OWTS Permits has stalled with the departure of our Administrative Assistant, but will be resuming soon, now that the new assistant position has been filled. Staff and the City Planner will continue to implement the plan to issue OWTS operating permits to all septic system owners in the City. The remaining parcels in town without operating permits will be contacted next.*

**Law Enforcement Service** – *The Sheriff's Office and the City are planning a Public Safety Forum in early October for the community to come discuss public safety with city and County officials.*

**Trinidad Rancheria Efforts to put the Harbor Property in Federal Trust Status.**  
The City requested an update from the Bureau of Indian Affairs and was informed that BIA is still working on responses to the comment letters received. No timetable for next steps was provided, but the City and other commenters are on the notification list for this project.

**Trinidad Rancheria Hotel Project**

*The Rancheria and City staff are discussing the steps involved for the Rancheria to apply to the City for expanded water service. The Rancheria expects an Environmental Analysis of the project to go out for public review soon (September or October).*

**STR Ordinance**

The revised (2016) Ordinance is now in effect. 28 STR licenses have been issued. The UR zone is near its cap (21 licenses, cap of 19). The SR zone is below the cap. The new ordinance has resulted in at least three licenses going away upon property sales, and the number of guests in the UR zone has come down by 26 due to lower allowed occupancy and some rentals losing their license upon sale.

*Staff expect to be advertising for STR Committee volunteers by the meeting date of the 12<sup>th</sup>.*

**Tsurai Study Area Settlement and Land Transfer.**

A draft settlement and land transfer was conditionally approved by Council in December 2016. Additional agreements were deemed necessary because of prior legal settlements involving multiple state agencies. Efforts to resolve this complication and complete the settlement and land transfer are ongoing.

**Planning**

**Detached Living Spaces**

The Planning Commission has completed their effort to provide recommendations to the Council on this issue and are returning to the Local Coastal Plan update as well as regular permit applications.

**General Plan Update**

*The Planning Commission will be holding monthly special meetings focused on completing the General Plan update. The next meeting is set for Tuesday August 11<sup>th</sup>.*

We are about a year behind the ambitious schedule presented in the last major update to the Council that was provided in a memo dated January 19, 2017. Since then, City staff did apply for supplemental funding and an extension to the Coastal Commission grant period to complete much of the work. That was approved, and the grant period now runs



to October 31, 2018. I am still hopeful that we can meet our grant obligations within that time. The following is an update on the various tasks.

- *Planning Commission Review* – The Planning Commission has reviewed all the draft elements of the General Plan again. That occurred from January 2017 through July 2017. Although the Planning Commission had several special meetings to keep that discussing going, it still took well over the estimated two months.
- *Background Reports and Information* – Staff held two harbor area stakeholder meetings on April 17, 2017 (one during the day and one in the evening). Informal Tribal consultation has not been very fruitful so far, but staff continues to seek input.
- *Update Draft General Plan* – Staff have been working on incorporating the Planning Commission comments into the draft, as well as information from recent background reports such as the one regarding climate change and sea level rise. In addition, comments from the harbor stakeholder meeting have been incorporated. Staff have also been adding to the draft elements where deficiencies were identified after an analysis based on the Coastal Commission's LCP update guidelines. In addition, the State adopted new General Plan Guidelines in 2017, which staff have been reviewing for consistency with the existing draft. Staff have finalized revisions to the Land Use Element, and Conservation and Open Space Element, and are currently working on the Circulation Element and Cultural Resources Element. We have been waiting for updated maps in order to start submitting elements to the Coastal Commission for their staff review, but plan on starting to submit drafts this week regardless of whether all the maps are complete.
- *Zoning Ordinance* – Staff have started drafting zoning ordinance updates to make it consistent with the draft general plan and current Coastal Act requirements.

**Cell Towers** – See agenda

**Memorial Light House** – *The Planning Commission recently approved the Civic Club regular 'follow up' permit for the Lighthouse move and clean up at the former site. The Coastal Commission also needs to issue approval for the Harbor Area placement.*

**Unpermitted Development** – The City is working with the Coastal Commission and a Scenic Dr. landowner to resolve problems related to shoreline armoring efforts that were undertaken without permits. Final notices before Nuisance Abatement proceedings have been sent.

**View Restoration Permit process for Van Wycke St.**

The new owners of the property are working with the neighbors and planning for significant trimming to restore views.

**CalFire Water Line Extension**

The City has approved the LCP/General Plan amendment process required for this. CalFire will be returning soon with an application to the City (and County) for the CDP and other necessary permits for the physical construction of the water line.

**Marine Lab Cypress Tree** *HSU has received approval to remove the tree*

## WATER SYSTEM

### **Streamflow Monitoring on Luffenholtz Creek (Water Fund)**

The data can be viewed at the following link, soon to be on the City Website:  
<https://m2x.att.com/dashboards/shared/483d35e70ccd5170cf6646115b13a19d?>

**Water accountability** – Through meter replacement, identifying and addressing leaks, accounting for plant process water, and metering previously un-metered services, staff continue audit and reduce water loss. Recently staff have identified and fixed several leaks in the distribution system. Staff have also identified numerous leaks on the property owner's side and coordinated with the appropriate party to facilitate the necessary repairs.

**Water Distribution System** - A major water line under East St. has been replaced. A leak was caused by AT&T work near Stagecoach Rd. and repaired by our PW staff. A PVC pipe broke at the Water Plant and was managed and repaired by our PW staff.

## PUBLIC WORKS

### **Staffing**

*The City has hired a new employee to fill the public works/water system vacancy. Kyle Shipman will start work on Sep 17<sup>th</sup>.*

**City Contracting Requirements.** *There have been no construction project solicitations during August. The City has issued a Request for Qualifications (RFQ) for City Engineering Services, due on September 11. The submitted qualification packets will be evaluated and recommendations presented to City Council at a future meeting.*

**Trails.** *A recent slip and fall injury on the Parker Ck. Trail has resulted in ongoing discussion between the Land Trust, City, and adjacent landowners over property lines and responsibilities for maintenance. Short term measures have been implemented to increase safety. Installation of a few steps to address a steep change in slope are being considered.*

*Caltrans has taken the lead and is pursuing grant funds to advance the proposed Little River Trail connection from the end of Scenic Dr. across the Little River.*

**City MS4 Permit Compliance and Reporting** – In September, the Project Coordinator/Stormwater Program Manager will begin work on the MS4 Permit annual report. MS4 Permit coverage is required due to the City's storm water discharge into the Trinidad Bay Area of Special Biological Significance (ASBS). Complying with the permit requirements is costly and time consuming and involves all City staff, the planner, the city engineer, and building official.

## Project and Grant Coordinator Activities

**Manage Grant Projects** – Provided administrative support for all grants; worked with funders to complete funding agreements and develop new grant funding; coordinated with city staff, project consultants and project partners. In August, the Grant Coordinator began compiling the end-of-the-year grant fund bookkeeping entries, as well as reviewing grant budgets and schedules. See below for progress on specific tasks for each grant below.

### Non-grant (general fund) tasks assigned in August:

- *Staff City Hall when City Clerk was out of the office.*
- *Finalize and disseminate Requests for Qualification (RFQs) for City Planning and City Engineering Services.*
- *Update grant payroll reimbursement rates and overhead/indirect cost rate.*
- *Provide administrative support for the City Council Trails Advisory Committee*

### Active Grants:

Project Name	Clean Beaches OWTS Repair & Replacement Grant		
Grant Budget	\$480,075	Funding Source	Prop 84 Clean Beaches Initiative Grant
Match	\$225,000 \$10,000	Match paid by	Property owners City and Consultant
Term	6/1/15 - 3/31/19	City Personnel Costs	Reimbursed by grant funds

**Project Summary:** The OWTS Repair Project identified and prioritized failing OWTS (septic systems) that threaten water quality in Parker, Luffenholtz and Joland Creeks, and worked with interested property owners to upgrade (repair or replace) their failing systems. The public outreach and education component provides information to residents about care and maintenance of their OWTS.

**Status:** *Construction began to replace the septic system for 50 RV spaces at Hidden Creek RV Park. This is the final onsite wastewater treatment system to be constructed for the Clean Beaches Project. Eight residential systems have replaced during this Project. Post-project water quality monitoring will begin after the first rains. Staff began drafting the annual progress summary and final project report.*

Project Name	Citywide Low Impact Development Planning and Construction Project (OPC Project)		
Grant Budget	\$848,650	Funding Source	Prop 1 Ocean Protection Council
Match	\$0	Match paid by	NA
Term	10/25/16-6/30/19	City Personnel Costs	Reimbursed by Grant

**Project Summary:** The purpose of the Citywide LID project is to develop storm water infiltration policies to protect the bluff based on groundwater modeling data and construct storm water system improvements on Hector and East Streets to eliminate the discharges to the Trinidad Bay (ASBS) from these areas in the upper part of town. These improvements were planned in 2012 during the Phase 1 and were funded as a shovel-ready project.

*Project Status: The construction on Hector and East Streets will be completed by the end of September. After the rainy season has started, the Hector Street raingarden will be landscaped. The remaining project tasks include updating the Groundwater (Modeling) Technical Memorandum and Bluff Stability Analysis to reflect the 2017 storm damages information.*

Project Name	Storm Water Management Improvement Project Phase 2 (ASBS Storm Water Project)		
Grant Budget	\$4,833,000	Funding Source	Prop 84 Storm Water Grant Program
Match (City)	\$15,000	Match paid by	General Funds-staff costs through Aug 2017 to develop project
Match (Other)	\$26,000	Paid by	USDA SEARCH Grant for Project Engineering Report
Match (Other)	\$500,000	Application Pending	USDA Rural Development Storm Water Grant/Loan Financing
Term	9/1/17 - 6/30/20	City Personnel Costs	Reimbursed by Prop 84 grant beginning September 2018

**Project Summary and Background:** This is the final phase of the ASBS Storm Water project to eliminate the storm water discharge into the Trinidad Bay (Area of Biological Significance or ASBS) by improving the system along Underwood, Edwards, Ewing, Gallindo, Van Wycke, and down to the harbor parking lot area. Phase 1 of the Project improved the storm water system on Trinity and Ocean Streets to redirect and treat storm water from much of the upper part of town that had been discharging into the ASBS. The OPC Citywide LID Construction project is a component of the overall project.

**Status:** *The SWGP grant agreement is moving towards execution. The NEPA Environmental Assessment (EA) has been submitted to USDA (the Lead Agency for the Project) and is currently in the Tribal Consultation period. The USDA Grant/Loan Application will be underwritten by USDA when the NEPA has been approved (mid to late October). USDA anticipates approving the application for funding in October or November of this year. Staff is working to develop and solicit proposals for Project Monitoring, and Project Design. In a separate Consent Agenda Item staff is recommending entering into a consultant agreement with SHN for CEQA & Permitting Compliance. Project design will begin in October, with construction scheduled for Summer 2019.*

Project Name	LCP Planning and Sea Level Rise Update Project		
Grant Budget	\$80,000	Funding Source	Coastal Commission LCP Planning Grant Round 2
Match	\$35,000	Match paid by	City GF for planner and staff LCP update costs
Term	4/13/15 - 10/31/18	City Personnel Costs	60% grant reimbursement, 40% GF

**Project Summary:** The project assists the City with updating the Local Coastal Program (General Plan) to reflect and address changed conditions and effects of climate change and sea level rise.

**Project Status:** *Staff is beginning to wrap up this project - the grant project term ends in October 2018.*

Project Name	LCP Update Project 2
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Grant Budget	\$51,000	Funding Source	Coastal Commission LCP Planning Grant Round 4
Match	\$10,000	Match paid by	City GF for planner and staff LCP update costs
Term	11/1/17-12/31/19	City Personnel Costs	Grant reimburses 87%, GF 13%

Project Summary: This second grant project will focus on developing a Coastal Hazards Plan/Recommendations and Water Supply Assessment to support planning and work on the General Plan/LCP update.

Project Status: *Currently, work on this project includes compiling previous studies on water supply, bluff stability and hazard assessment.*

Project Name	<b>Van Wycke Bicycle and Pedestrian Connectivity Project (Van Wycke Trail Project)</b>		
Grant Budget	\$692,000	Funding Source	Caltrans Active Transportation Program (state funding only)
Match	\$8,000	Match paid by	City
Term	7/8/16 - 4/1/21	City Personnel Costs	Not reimbursed by grant except final educational phase

Project Summary: This project will improve the Van Wycke Trail to provide better access and safety for pedestrians and bicyclists between Edwards Street and the Harbor Area.

Project Status: *The Grant Coordinator completed and submitted the semi-annual invoice and report to Caltrans. City Planner is preparing the CEQA document. Following completion of CEQA the project will go through the engineering and final design phase.*



## CONSENT AGENDA ITEM 2

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES**

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2. Financial Statements July 2018

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
201 - GFAdmin  
From 7/1/2018 Through 7/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	200.00	200.00	3,500.00	94.29%
61000	EMPLOYEE GROSS WAGE	3,779.73	3,779.73	126,315.00	97.01%
61470	FRINGE BENEFITS	23.08	23.08	0.00	0.00%
65100	DEFERRED RETIREMENT	455.65	455.65	15,158.00	96.99%
65200	MEDICAL INSURANCE AND EXPENSE	1,051.29	1,051.29	25,940.00	95.95%
65250	Health Savings Program	9.13	9.13	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	4,831.75	4,831.75	4,737.00	(2.00)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	22.00	22.00	500.00	95.60%
65600	PAYROLL TAX	323.44	323.44	10,823.00	97.01%
65800	Grant Payroll Allocation	(320.07)	(320.07)	(5,500.00)	94.18%
68090	CRIME BOND	487.50	487.50	500.00	2.50%
68200	INSURANCE - LIABILITY	11,818.30	11,818.30	12,400.00	4.69%
68300	PROPERTY & CASUALTY	4,486.95	4,486.95	4,800.00	6.52%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	3,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	0.00	51,000.00	100.00%
71410	BLDG INSPECTOR-ADMIN TASKS	380.00	380.00	7,000.00	94.57%
71510	ACCOUNTANT-ADMIN TASKS	1,130.81	1,130.81	15,000.00	92.46%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	14,500.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	15,000.00	100.00%
72100	BAD DEBTS	750.00	750.00	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	32.00	32.00	3,000.00	98.93%
75160	LIBRARY RENT & LOCAL CONTRIB.	500.00	500.00	500.00	0.00%
75170	RENT	750.00	750.00	9,000.00	91.67%
75180	UTILITIES	827.64	827.64	8,250.00	89.97%
75190	DUES & MEMBERSHIP	0.00	0.00	750.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	1,740.90	1,740.90	4,000.00	56.48%
75220	OFFICE SUPPLIES & EXPENSE	164.45	164.45	6,500.00	97.47%
75240	BANK CHARGES	10.00	10.00	200.00	95.00%
75280	TRAINING / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	8,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	164.64	164.64	1,800.00	90.85%
76130	CABLE & INTERNET SERVICE	211.90	211.90	3,500.00	93.95%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,000.00	100.00%
	Total Expense	33,831.09	33,831.09	375,673.00	90.99%



**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
301 - Police  
From 7/1/2018 Through 7/31/2018

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	151.92	151.92	5,656.00	97.31%
65100	DEFERRED RETIREMENT	18.37	18.37	679.00	97.29%
65200	MEDICAL INSURANCE AND EXPENSE	0.24	0.24	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	216.26	216.26	212.00	(2.01)%
65600	PAYROLL TAX	13.12	13.12	485.00	97.29%
75170	RENT	750.00	750.00	9,000.00	91.67%
75180	UTILITIES	82.94	82.94	2,000.00	95.85%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	245,000.00	100.00%
75350	ANIMAL CONTROL	120.00	120.00	1,500.00	92.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	89.94	89.94	1,200.00	92.50%
	Total Expense	<u>1,442.79</u>	<u>1,442.79</u>	<u>266,482.00</u>	<u>99.46%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
401 - Fire  
From 7/1/2018 Through 7/31/2018

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	150.00	1,800.00	91.67%
75180	UTILITIES	52.27	52.27	550.00	90.50%
75190	DUES & MEMBERSHIP	144.00	144.00	250.00	42.40%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	2,500.00	100.00%
76110	TELEPHONE	67.43	67.43	1,000.00	93.26%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	0.00	350.00	100.00%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	1,605.89	1,605.89	5,000.00	67.88%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>2,019.59</u>	<u>2,019.59</u>	<u>17,350.00</u>	<u>88.36%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
501 - PW (Public Works)  
From 7/1/2018 Through 7/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
61000	EMPLOYEE GROSS WAGE	3,392.54	3,392.54	93,517.00	96.37%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	407.39	407.39	11,222.00	96.37%
65200	MEDICAL INSURANCE AND EXPENSE	3,475.05	3,475.05	44,584.00	92.21%
65250	Health Savings Program	19.63	19.63	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	3,577.08	3,577.08	3,507.00	(2.00)%
65600	PAYROLL TAX	288.04	288.04	8,013.00	96.41%
65800	Grant Payroll Allocation	(7,087.82)	(7,087.82)	(75,500.00)	90.61%
71210	CITY ENGINEER-ADMIN. TASKS	340.00	340.00	10,000.00	96.60%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	3,000.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,500.00	100.00%
75240	BANK CHARGES	10.00	10.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	8,965.15	8,965.15	3,000.00	(198.84)%
78120	STREET LIGHTING	380.15	380.15	4,500.00	91.55%
78130	TRAIL MAINTENANCE	494.46	494.46	3,500.00	85.87%
78140	VEHICLE FUEL & OIL	270.07	270.07	4,000.00	93.25%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	1,050.32	1,050.32	15,000.00	93.00%
78170	SECURITY SYSTEM	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	106.40	106.40	6,000.00	98.23%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79120	WATER PLANT CHEMICALS	6.81	6.81	0.00	0.00%
	Total Expense	15,695.27	15,695.27	166,793.00	90.59%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
204 - IWM  
From 7/1/2018 Through 7/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	0.00	0.00	10,500.00	(100.00)%
56150	FRANCHISE FEES	0.00	0.00	6,200.00	(100.00)%
	Total Revenue	0.00	0.00	16,700.00	(100.00)%
	Expense				
61000	EMPLOYEE GROSS WAGE	475.63	475.63	12,089.00	96.07%
65100	DEFERRED RETIREMENT	57.04	57.04	1,451.00	96.07%
65200	MEDICAL INSURANCE AND EXPENSE	428.98	428.98	5,348.00	91.98%
65250	Health Savings Program	3.48	3.48	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	458.97	458.97	450.00	(1.99)%
65600	PAYROLL TAX	40.39	40.39	1,036.00	96.10%
75130	GARBAGE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,200.00	100.00%
	Total Expense	1,464.49	1,464.49	22,074.00	93.37%
	Net Income	(1,464.49)	(1,464.49)	(5,374.00)	(72.75)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 7/1/2018 Through 7/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	8,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,000.00	(100.00)%
57100	WATER SALES	32,010.12	32,010.12	315,000.00	(89.84)%
57200	Water Sales - Wholesale	840.00	840.00	5,000.00	(83.20)%
57300	NEW WATER HOOK UPS	0.00	0.00	1,000.00	(100.00)%
57500	WATER A/R PENALTIES	184.46	184.46	1,000.00	(81.55)%
	<b>Total Revenue</b>	<b>33,034.58</b>	<b>33,034.58</b>	<b>332,000.00</b>	<b>(90.05)%</b>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	3,159.17	3,159.17	103,994.00	96.96%
61250	OVERTIME	0.00	0.00	501.00	100.00%
65100	DEFERRED RETIREMENT	379.40	379.40	12,479.00	96.96%
65200	MEDICAL INSURANCE AND EXPENSE	3,162.51	3,162.51	42,412.00	92.54%
65250	Health Savings Program	23.39	23.39	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	3,977.98	3,977.98	3,900.00	(2.00)%
65600	PAYROLL TAX	264.73	264.73	8,910.00	97.03%
68090	CRIME BOND	262.50	262.50	300.00	12.50%
68200	INSURANCE - LIABILITY	6,363.70	6,363.70	6,650.00	4.31%
68300	PROPERTY & CASUALTY	2,416.05	2,416.05	2,625.00	7.96%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	608.89	608.89	6,700.00	90.91%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	200.00	200.00	350.00	42.86%
75180	UTILITIES	1,340.77	1,340.77	13,500.00	90.07%
75190	DUES & MEMBERSHIP	0.00	0.00	1,500.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	140.00	140.00	3,000.00	95.33%
75240	BANK CHARGES	10.00	10.00	100.00	90.00%
75280	TRAINING / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	6,000.00	100.00%
76110	TELEPHONE	150.88	150.88	1,800.00	91.62%
76130	CABLE & INTERNET SERVICE	61.95	61.95	750.00	91.74%
76160	LICENSES & FEES	0.00	0.00	4,500.00	100.00%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	0.00	1,500.00	100.00%
78150	VEHICLE REPAIRS	3,252.38	3,252.38	2,000.00	(62.62)%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78170	SECURITY SYSTEM	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	6,000.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	120.00	120.00	1,000.00	88.00%
79100	WATER LAB FEES	360.00	360.00	4,000.00	91.00%
79120	WATER PLANT CHEMICALS	733.12	733.12	7,500.00	90.23%
79130	WATER LINE HOOK-UPS	0.00	0.00	1,000.00	100.00%
79150	WATER LINE REPAIR	0.00	0.00	68,000.00	100.00%
79160	WATER PLANT REPAIR	0.00	0.00	6,000.00	100.00%
	<b>Total Expense</b>	<b>26,987.42</b>	<b>26,987.42</b>	<b>333,071.00</b>	<b>91.90%</b>
	<b>Net Income</b>	<b>6,047.16</b>	<b>6,047.16</b>	<b>(1,071.00)</b>	<b>(664.63)%</b>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
701 - Cemetery  
From 7/1/2018 Through 7/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	200.00	(100.00)%
58100	CEMETERY PLOT SALES	150.00	150.00	6,000.00	(97.50)%
	Total Revenue	150.00	150.00	6,200.00	(97.58)%
	Expense				
61000	EMPLOYEE GROSS WAGE	565.98	565.98	13,205.00	95.71%
65100	DEFERRED RETIREMENT	67.92	67.92	1,585.00	95.71%
65200	MEDICAL INSURANCE AND EXPENSE	541.74	541.74	5,747.00	90.57%
65250	Health Savings Program	4.37	4.37	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	504.96	504.96	495.00	(2.01)%
65600	PAYROLL TAX	47.99	47.99	1,131.00	95.76%
75180	UTILITIES	45.23	45.23	750.00	93.97%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	1,778.19	1,778.19	23,413.00	92.41%
	Net Income	(1,628.19)	(1,628.19)	(17,213.00)	(90.54)%



## **CONSENT AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES**

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3. Law Enforcement Report August 2018



**ACTIVITY REPORT  
TRINIDAD  
BY DEPUTY LUKE MATHIESON**

**08/01/2018-08/31/2018**

- Numerous citizen contacts.
- Conducted numerous vehicle investigations.
- Worked with casino regarding ongoing issues and locating/arresting wanted persons.
- Conducted regular patrols for subject(s) sleeping at night outside of the library.
- Conducted numerous traffic enforcement stops, multiple warnings and citations issued
- Recovered a reported stolen vehicle on North Westhaven Drive
- Vehicle investigation on Scenic drive, discovered a male driver passed out behind the driver's wheel, multiple pieces of drug paraphernalia present in vehicle. Male driver was found to be in possession of half an ounce of heroin, male placed under arrest and transported to jail
- Conducted follow up to the Murphy's Market burglary, located a involved female to the burglary, who had a felony warrant related to the burglary, female was placed under arrest
- Recovered an additional stolen vehicle on Trinidad Rancheria property, suspect is the same subject in Murphy's burglary, warrant issued.
- Investigated a burglary to a residence on Patrick's Point Drive, suspect was identified, later located the same day, and was found in possession of the stolen property, female suspect was arrested and transported to jail.
- Investigated a white mini van parked on Scenic Drive at Luffenholtz Park. Driver was found to be on searchable probation. Vehicle was searched and multiple pieces of stolen property was located, a total of ten different victims were located so far, investigation is on going, female driver was arrested and transported to jail
- Report of a suicidal subject on Trinidad head, threatening to jump from a cliff, male subject was located, safely detained and later transported to eureka from medical evaluation
- Conducted a traffic enforcement stop on a DUI driver at Main Street and Scenic Drive. Male driver was later determined to be heavily intoxicated and in possession of methamphetamine. Male driver was placed under arrest and transported to jail
- Investigated a vehicle burglary in the 400 block of Wagner Street, vehicle was left unlocked, and multiple pieces of musical equipment stolen, no suspect information.



## CONSENT AGENDA ITEM 4

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES**

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4. Agreement for Services with SHN for Stormwater Project CEQA & Permitting

## **CONSENT AGENDA ITEM**

**Date: September 13, 2018**

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### **Item: AGREEMENT FOR SERVICES WITH SHN FOR STORM WATER PROJECT CEQA AND PERMITTING**

#### **Summary:**

The third and final phase of the City's effort to eliminate our stormwater discharge to Trinidad Harbor is moving forward. The NEPA Environmental Assessment (EA) has been completed and is in the review process with USDA. A final grant agreement with the Water Board should be signed this month, final project design work will begin in October, with construction scheduled for Summer 2019.

The next step for the project is completing the California Environmental Quality Act (CEQA) Compliance and Project Permitting. Staff recommends entering into an agreement with SHN (Contract City Planner) for assistance with preparation of the CEQA documentation, and project permitting not to exceed \$20,000. Costs incurred under this consultant agreement are eligible for reimbursement through the USDA Water and Environmental Program Grant/Loan financing.

#### **Background:**

This is the final phase of the ASBS Storm Water project to eliminate the storm water discharge into the Trinidad Bay (Area of Biological Significance or ASBS). Completion of this project will mean the City's coverage under the Municipal Stormwater Separate Sewer (MS4) permit will no longer be required. Completing this project will provide significant savings to the City because costs for the permit, the very expensive water quality monitoring, and staff time to ensure compliance with the many requirements of the MS4 Permit will no longer be necessary.

#### **Staff Recommendation:**

Authorize the City Manager to enter into an agreement for services with SHN not to exceed \$20,000 for assistance with CEQA compliance and project permitting.

**Attachments:** SHN Agreement for the Storm Water Project CEQA and Permitting.

**Agreement for Services between City of Trinidad  
and SHN Consulting Engineers & Geologists, Inc.**

**For**

**Assistance with the Trinidad Storm Water Project 2**

**INTRODUCTION**

This agreement, dated \_\_\_\_\_ is between the City of Trinidad (City) and SHN Consulting Engineers & Geologists (SHN) to provide assistance with the Storm Water Project 2 (Project) being funded by a Prop 84 Storm Water Grant Program Agreement and USDA Water and Environmental Program financing. This agreement for services is based on a prime agreement between the City of Trinidad and Streamline Planning Consultants dated May 12, 2015, as may be revised. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

**TERMS AND CONDITIONS**

In addition to the terms and conditions outlined herein, the terms and conditions of this agreement shall be in accord with and encompass those terms and conditions set forth in the *Prop 84 Storm Water Grant Program Agreement No.D181265200*, attached hereto as Exhibit A.

**SCOPE & DELIVERABLES**

The scope of service is limited to the Project Task 3 Permitting and Environmental Compliance. This task includes CEQA compliance and obtaining a Coastal Development Permit and any other required permit approvals. SHN is the City's contract planner and has staff experienced with CEQA and permitting. SHN is also completing NEPA for this project to meet the USDA financing requirements.

**CEQA Compliance**

GA Task 3.1 Complete documentation required under the California Environmental Quality Act (CEQA) for the proposed implementation Project. Take all required steps to prepare, circulate, and certify the required CEQA document(s) and form filing (as needed).

The CEQA document will incorporate information and recommendations from the NEPA Environmental Assessment, the Cultural Resources Survey and Biological / Botanical Survey completed under the SHN NEPA Agreement dated April 12, 2018.

**Project Permitting**

GA Task 3.2 Obtain all public agency approvals, entitlements, or permits required for Project implementation before field work begins. If the Project is carried out on lands not owned by the Recipient, the Recipient must obtain adequate rights of way for the useful life of the Project. Submit a list and signed copies of such approvals, entitlements or permits to the Grant Manager.

**Assumptions**

- A CEQA Mitigated Negative Declaration is the appropriate CEQA document, and an EIR will not be required.

- Permits required will be CDP, grading and design review through the City and a CDP through the Coastal Commission for the harbor parking area improvements.
- All the necessary background studies have already been completed, and no additional special studies are required.
- The scope does not include any design work.
- The compensation does not include filing fees.
- Should additional services not identified in this scope be requested or required, they can be provided with a scope and budget amendment.

**COMPENSATION**

*SHN will complete this scope of work on a not to exceed basis in accordance with the approved grant budget. Work will be completed and billed calendar quarterly on an hourly basis by task. The budget estimate is broken down as follows:*

Project Budget Item and Description	Schedule	Budget
Budget Item 2.4.1 Preparation of CEQA (Task 3.1)	September 2018 – January 2019	\$12,000
Budget Item 2.4.4 Project Permitting (Task 3.2)	January – May 2019	\$8,000
<b>Total:</b>		<b>\$20,000</b>

**AGREED**

\_\_\_\_\_  
Daniel Berman  
Trinidad City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Brown  
SHN Consulting Engineers

\_\_\_\_\_  
Date

Please include the following project reference on all invoices: Storm Water Project

## CONTRACT CHANGE ORDER

<b>Order No. 1</b>		DATE: 7/19/18
PROJECT: Trinidad Citywide LID Planning and Construction Project		OWNER: City of Trinidad
CONTRACTOR: Wahlund Construction Inc. 830 Hilma Drive Eureka, CA 95501		ENGINEER: GHD Inc. 718 Third Street Eureka, CA 95501
<b>Description of Changes for Water Line replacement along East Street.</b>		Change in Contract Price
ITEM 1: Fixed Costs: This includes laboratory testing for bacteria, compaction testing, sanitation, bond, and pot holing for the installation of the new water main.		
ITEM 1 TOTAL		\$5,313
ITEM 2: New 6-inch Water Main: Installation of new 6-inch water main along East Street for approximately 185 linear feet.		
ITEM 2 TOTAL		\$22,883
ITEM 3: New Water Service Connections: Installation of three new water service connections along East Street.		
ITEM 3 TOTAL		\$13,024
ITEM 4: Remove and Dispose of Existing Water Line: Remove existing 6-inch asbestos concrete water line (approximately 185 linear feet) and dispose of at a legal disposal facility. Contractor to provide receipts (chain of custody) from disposal facility.		
ITEM 4 TOTAL		\$4,275
ITEM 5: Patch Pavement Patch asphalt concrete in areas where the water line has been replaced.		
ITEM 5 TOTAL		\$10,012
ITEM 6: Clearing Clearing of material and removal of 2 trees for the installation of the new water line. Stumps may be cut to allow for the installation of the new water line and must be cut flush with or below adjacent ground to prevent tripping hazard.		
ITEM 6 TOTAL		\$3,393
<b>TOTAL CHANGE IN CONTRACT</b>		<b>\$58,900</b>

## CONTRACT CHANGE ORDER

ADJUSTMENT OF CONTRACT SUM		ADJUSTMENT OF CONTRACT TIME (CALENDAR DAYS)	
Original Contract Sum	\$592,000.00	Original Contract Time	96
Prior Adjustments	\$0.00	Prior Adjustments	0
Contract Sum Prior to this Change	\$592,000.00	Contract Time Prior to this Change	96
Adjustment for this Change	\$58,900.00	Adjustment for this Change	0
Revised Contract Sum	\$651,400	Revised Contract Time	96

Contractor waives any claim for further adjustments for the Contract Sum and the Contract Time related to the above – described change in the work. This document will become a supplement to the contract and all provisions will apply hereto.

Recommended:	<div style="display: flex; justify-content: space-between;"> <div> <u>Steve Allen, PE, Project Manager</u>              Dan Berman, City Manager         </div> <div>           GHD Inc.            Engineer            City of Trinidad            Owner         </div> </div>	<div style="display: flex; justify-content: space-between;"> <div></div> <div>           Date              7/23/18            Date         </div> </div>
Approved:	<div style="display: flex; justify-content: space-between;"> <div> <u>Bob Crittenden</u>            Bob Crittenden         </div> <div>           Wahlund Construction Co.            Contractor         </div> </div>	<div style="display: flex; justify-content: space-between;"> <div></div> <div>           Date         </div> </div>





## CONSENT AGENDA ITEM 5

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES**

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5. Approve Change Order #1 To Agreement with Wahlund, Inc., for East St. Water Line Replacement

## **CONSENT AGENDA ITEM**

**Date: September 12, 2018**

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### **Item: APPROVE CHANGE ORDER #1 TO AGREEMENT WITH WAHLUND INC. FOR EAST ST. WATER LINE REPLACEMENT**

#### **Summary:**

This is an after-the-fact approval for a change order agreement with Wahlund Construction Inc to replace the main water line on East Street in association with the stormwater work. The Council agreed on inclusion of water line replacement as a change order to the project this spring, and funds were allocated and approved in this year's Water Budget for the work. The final agreement totals \$58,900 dollars. Staff and our City Engineers negotiated and executed the attached change order with Wahlund as construction got underway this summer. The City tried to get water line work included in the grant, but the funder deemed it ineligible, so these funds are coming from our Water Department. Doing the work in conjunction with the stormwater project saved time and money as the grant is paying for the street demolition and repair and mobilization costs, we avoid digging up the street twice, and we avoid future problems that would result from placing expensive new stormwater work over a much older water line. Installation of the new line and reconnection of services went smoothly with minimal interruptions to water service.

#### **Staff Recommendation:**

Authorize (after the fact) the attached Change Order # 1 with Wahlund Construction Inc. for replacement of the East St. Water Line.

**Attachments:** Change Order # 1 with Wahlund Construction Inc. for replacement of the East St. Water Line.



## DISCUSSION AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 34 PAGES**

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1. Discussion/Decision regarding the Draft Response to the Grand Jury Report.

## **ACTION AGENDA ITEM**

Date: August 8<sup>th</sup>, 2018

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### **Item:** Response to Humboldt County Civil Grand Jury Report

The Humboldt County Civil Grand Jury issued a report regarding short term rentals in Trinidad, dated June 25<sup>th</sup>, 2018. That report is attached.

The City Council, and the City Manager, are required to provide a formal response to the findings and recommendations of the report within 90 days, or approximately September 25<sup>th</sup>. The guidance and requirements for these responses are attached.

After an initial draft was presented at the August Council meeting, an ad-hoc Council Committee of Councilmembers Ladwig and Miller has worked with staff to produce the attached response.

The local group 'Saving Trinidad's Neighborhoods' (STN) was involved in the Grand Jury process and was invited by the Grand Jury to also submit a response. They requested that their response be included as public comment on this item (attached)

The City response is due soon. Ideally the Council will agree on any final edits to the response and approve it at this meeting. If group-editing the response at the meeting is not practical due to the volume of desired changes, staff recommend that the Council authorize staff and the ad-hoc Committee to finalize the response and submit it based on Council input at this meeting.

### **Staff recommends the Council:**

- a) accept public comment*
- b) discuss the Grand Jury Report and the draft response*
- c) Approve a final response to the Grand Jury Report*
- OR**
- d) Authorize staff and the ad-hoc Committee to finalize the response and submit it based on Council input at this meeting.*

### **Attachments:**

- 1) Grand Jury Report
- 2) Requirements for response
- 3) Proposed Response
- 4) STN response

DRAFT

(Insert Letterhead)

City of Trinidad

Response to Grand Jury Report

Approved by City Council on September 12<sup>th</sup>, 2018

Report Title: *A Tale of Two Cities: Vacation Rentals in Trinidad, California*

Report Date: June 25<sup>th</sup>, 2018

Response By: Trinidad City Council and Trinidad City Manager

The City of Trinidad appreciates the efforts and the important role of the Humboldt County Grand Jury in reviewing local government activity. Our response to the individual findings and recommendations follows below. Before addressing the individual findings, the City would like to express some significant concerns about the Grand Jury's process in developing this report. First, the Grand Jury did not interview any City Council or Planning Commission members as part of their investigation. Second, the Grand Jury does not appear to have reviewed or considered a recent (March 2018) report produced by the City Council that considered many of the same issues and resulted in recommendations that are being implemented by the City. Finally, the Grand Jury report speaks broadly about the feelings of the 'community' of Trinidad, but in fact heard from only a few members of the community.

Council Members and Planning Commissioners are intimately familiar with the issues at hand, having heard, considered, and acted on many hours of public input from all sides regarding STR regulations and their enforcement. Their input would have resulted in a broader perspective and deeper understanding of the issues for the Grand Jury to consider.

The Grand Jury would have benefited significantly from reviewing the March 2018 report generated by a Council appointed subcommittee (attached). This committee worked over many months to interview community members and staff, review STR issues and concerns, and produce a report with recommendations on STR implementation and enforcement. This report was reviewed and approved by the Council, and City staff have been working to implement those recommendations since. This Council report reflects a significant effort by the City to consider and address many of the same concerns that were subsequently taken up by the Grand Jury.

Finally, many of the Jury Report Findings refer to the feelings or perceptions of the 'community', but it is important to note that the Grand Jury did not poll Trinidad residents, nor talk to many residents, but initiated this report in response to concerns raised by a few residents who are very actively engaged in STR issues and have very strong feelings about them. The City represents all residents, and concerns

about conflict of interest, frustration, or animosity by even one citizen deserve respect and attention. However, the HCCJ report, and specifically Findings F2 and F4, would be more accurate if they referred to 'some residents' or 'some members of the community'. In its current form, the report overstates the breadth and intensity of concern in the community over these issues

The decision not to interview Council Members or Planning Commissioners, the omission of the recent report and efforts by the City to consider and address these same issues, and the Grand Jury report's representation of the 'community', appear inconsistent with how the Grand Jury has approached other local government investigations, and leave the City concerned that the Grand Jury did not conduct a fair and equitable investigation, which led to an unbalanced Grand Jury report.

#### Report Findings and Responses:

##### **F1. Trinidad's complaint and appeal process has been slow and inconsistent which has led to confusion and frustration among residents.**

###### Partially agree and partially disagree.

Some responses have been slow and others have been resolved quickly. The speed of responses has improved dramatically in 2018. Staff findings in response to complaints have often been appealed, and the appeals process is inherently slow due to the requirements to provide adequate procedural due process for all parties involved and the monthly scheduling of Planning Commission and City Council meetings. The complaint and appeal process involves a very small staff, and appeal hearings are held by our Planning Commission, and possibly City Council, each of which normally meets just once a month.

This issue was highlighted in the March 2018 Council report on STR issues, and following those recommendations, the City has implemented a detailed process for complaint response. See Attached.

##### **F2. Lack of compliance to Trinidad's Short Term Rental Ordinance by some Short Term Rental owners and property managers create frustration and animosity in the community.**

###### Partially agree and partially disagree.

Ordinance violations do create frustration among affected members of the community, however violations and lack of compliance are very much the exception rather than the norm. There are thousands of overnight STR stays in Trinidad each year, and only a handful of complaints resulting from them. STR owners and managers have worked cooperatively with the City to help implement and comply with the STR Ordinance, including revising their rental agreements, reducing the occupancy of their STRs, meeting guests in person, posting required 'Good Neighbor' brochures and contracts, and providing and staffing 24/7 call numbers for problems. Violations occur (in general) when the guests staying at the STRs violate the Ordinance, typically by being too loud, or inviting too many visitors. There have been a few cases of difficulties with STR managers not responding quickly enough to complaints, or communicating poorly with people lodging complaints. Those problems have resulted in enforcement actions against the STR managers, and appear to be largely resolved at this time.

**F3. Trinidad would benefit in having law enforcement assistance during tourist season to handle immediate violations of the STR ordinance.**

Disagree.

The City agrees that law enforcement assistance is necessary, but disagrees with this finding because the City does have law enforcement assistance throughout the year. The City contracts with the Humboldt County Sheriff's Office, who respond to calls for assistance 24/7 in Trinidad, and are empowered to enforce City Code violations. However most STR Ordinance violations are unlikely to require or even benefit from law enforcement assistance. Possible exceptions include a late-night party that the property manager is unable to break up, or a dangerous off leash dog from an STR guest, or illegal parking that warrants ticketing. However, these are exceptional examples outside of most actual complaints. The STR Ordinance directs complaints to be addressed immediately by the property manager, with follow up from City administrative staff after the fact. The City certainly encourages the public to call the Sheriff's Office for any emergency or public safety situation, or if the property manager is non-responsive and the problem (i.e. late night noise) is ongoing. Consistent with the STR Ordinance, the City does not see the Sheriff's Office as having a primary role in responding to STR complaints unless a public safety threat is present.

**F4. It is unclear what criteria is used for City Council recusal of those members who own or manage an STR which leads to a perception of conflict of interest within the community.**

Partially agree and partially disagree.

City Council members have discussed and explained their rationale for recusal (or non-recusal) on multiple occasions at Council meetings where the issue has arisen. The City Attorney has consistently supported the recusal decisions by affected Council members, citing California law, FPPC regulations and case law. His advice and guidance have been presented in public at the relevant meetings. Council members who own STRS have recused themselves from decisions involving setting STR regulations or their particular STR interests. For clarity, the City should post public notice of relevant legal criteria for recusal of Council or Planning Commission members.

As noted in the introduction to this response, this Finding, along with Findings F1 and F2 above, refer broadly to the feelings or perceptions of the 'community'. It would be more accurate to clarify that this feeling is held by a few members of the community.

**F5. Because there is often no written notification of the results of an appeal, complainants sometimes are unaware if a resolution has been reached.**

Partially Agree: Where no notification was provided, the City agrees that is a problem. This issue was addressed in the March 14, 2018, report of the Council's subcommittee, referenced in the introduction.

**F6. When properly utilized, Trinidad's Short Term Rental Ordinance provides workable methods for solving problems associated with Short Term Rentals.**

Agree.



The City will regularly revisit the STR Ordinance to consider whether changes are appropriate (on an annual basis beginning this November). Having appropriate rules in place can minimize, but does not inherently prevent violations from occurring. Hence the need for effective enforcement in those cases.

#### **RECOMMENDATIONS:**

**The Humboldt County Civil Grand Jury offers the following recommendations to the City Council and to the citizens of Trinidad to consider for the peace and comfort of residents and visitors.**

**R1. The Humboldt County Civil Grand Jury recommends the city of Trinidad and the citizens of Trinidad follow the steps outlined in Ordinance 2016-03 to solve complaints in reference to Short Term Rentals. This should take place upon receipt of this report. (F1, F2, F6)**

This recommendation is being implemented.

This recommendation was being proactively implemented, before the release of the Grand Jury Report. City staff are implementing the Council's subcommittee report (March 14, 2018), referenced above. That report made detailed recommendations on how best to solve complaints.

The complaints (F2) about compliance by STR owners and managers have been addressed, and will be addressed on a case by case basis. This is the first year of the current STR ordinance, which was approved by the City Council in 2016 but did not become official until approved by the Coastal Commission in June 2017. In this first year of operation, just one complaint against an STR owner/manager was appealed by the owner to the Planning Commission, where the appeal was rejected, and to the Council, where it was also rejected and the staff finding of a Significant Violation of the STR Ordinance was sustained. The owner has made a number of changes at the affected property and has promised compliance in the future. The process outlined in the ordinance is being implemented, and works.

For F6, the Grand Jury notes that the STR ordinance provides workable methods for solving problems. Those methods include an annual review by the Council. The review scheduled for November 2018 will likely result in implementing many recommendations of the Council's March 2018 subcommittee report.

**R2. The Humboldt County Civil Grand Jury recommends that the city of Trinidad consistently and strictly adhere to Ordinance 2016-03 to manage the short-term rental application and renewal process. This should take place upon receipt of this report. (F1, F2)**

This recommendation is being implemented. The next round of STR applications/renewals will occur in the winter of 2018-19 and will strictly adhere to Ordinance 2016-03.

**R3. The Humboldt County Civil Grand Jury recommends the City of Trinidad allocate a portion of Transient Occupancy Tax revenue to hire seasonal enforcement staff to deal specifically with Short Term Rental issues by December 31, 2018. (F3)**

This recommendation requires further analysis. The City Council will discuss this before December 31, 2018. Staff believe filling the new full time Administrative Assistant position will help address adequate staffing for enforcement of the STR Ordinance.

**R4. The Humboldt County Civil Grand Jury recommends Trinidad city council members who own or manage Short Term Rentals always recuse themselves when STRs are considered, discussed, or voted upon. Said recusals should be recorded in the meeting's minutes. This should begin immediately upon receipt of this report. (F4)**

This recommendation requires further analysis.

The recommendation that "... [affected] council members always recuse themselves when STRs are considered ..." is counter to recommendations by the City Attorney. The City Attorney has provided explicit rationale for when a council member with STR financial interests must recuse, and when that Council Member may participate in STR-related deliberations. Council decisions regarding recusal will continue to be guided by the City's Code of Ethics, the advice of our City Attorney, and the Fair Political Practices Commission. Multiple complaints to the FPPC regarding STR Council recusal issues have all resulted in the FPPC determining that Council members were acting appropriately within the law.

**R5. The Humboldt County Civil Grand Jury recommends the Trinidad city manager notify complainants in writing within seven working days of all city decisions on Short Term Rental complaints and appeals. This should begin no later than October 1, 2018. (F5)**

This recommendation has been implemented.

Discussion:

- (1) The City is notifying complainants **"in writing within seven working days of all city decisions on Short Term Rental complaints and appeals."** The process of getting to a decision may take considerable time to effect, as noted in our discussion following F5. Posting the (final) decision within
- (2)
- (3) seven days is being implemented..
- (4) The terms **"decisions on [STR] complaints"** used by the Grand Jury should perhaps replaced by **"actions related to [STR] complaints"**. For a minor complaint, the City Manager is empowered by the STR Ordinance (2016-03) to decide a complaint very quickly, even within hours. But a decision about a "significant violation", described in detail in the ordinance (17.56.190 (6.26).R.6), may involve months of hearings, and litigation.
- (5) An improved recommendation, being developed by the Council and City Manager, is to implement a process of publicly posting the dates of **"actions related to [STR] complaints"**. Thus, a single complaint might involve many actions, over months, with each step transparently visible to all. The City Council will recommend the parameters of posting actions in a "timely manner".
- (6) (Final) **"decisions"** are being notified within seven working days.



**State of California**

**PENAL CODE**

**Section 933.05**

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933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)

## **A Tale of Two Cities Vacation Rentals in Trinidad, California**

### **SUMMARY**

Trinidad is a quaint seaside town in the heart of Redwood Country. It is a popular vacation destination for people searching for outdoor experiences along the Pacific Coast and in the ancient forests. It is also the type of small town where families dream of raising their children and retirees hope to enjoy a calm and uncomplicated life. Unfortunately, life is not as idyllic as it could be.

For the past twenty years or so, homes have been bought not only by those wishing to become permanent residents, but also by those seeking them for income purposes. As the latter group has opened short term rentals (STRs) in the houses they have purchased, conflict with some permanent residents has arisen.

The Humboldt County Civil Grand Jury (HCCGJ) determined an investigation into the points raised by Trinidad residents was warranted. Quite early in our study, it became apparent STRs are allowed as California Coastal Commission (CCC) policies support the establishment of STRs in Trinidad. Issues we chose to investigate included a lack of enforcement of STR regulations, the complaint appeal process, and possible conflicts of interest. After examining the city budget, it became clear the funds raised by the Transient Occupancy Tax (TOT) were vital to maintaining city services. We also found city officials have not been resolving some residents' concerns or requests in a forthright, timely manner.

The HCCGJ concluded Ordinance 2016-03 should resolve complaints and problems. The HCCGJ recommends all factions follow the procedures set up in the ordinances to bring a successful conclusion to the conflicts facing Trinidad.

### **BACKGROUND**

Several complaints were received from Trinidad citizens upset with the proliferation of STRs in their town. They also expressed concern about how their complaints were being handled by Trinidad city officials.

The HCCGJ interviewed a representative of the concerned residents. At that initial meeting, the representative presented the HCCGJ with a volume containing written complaints and responses as well as numerous e-mail exchanges. After studying this material, it was decided that an investigation should be initiated.

The HCCGJ realized there are usually at least two versions of the same story so it interviewed Trinidad city officials mentioned in the material we had received. Additional interviews were conducted with people from both sides of the issue. Many permanent residents, those who filed the bulk of the complaints, want the quality of their small town to remain as it has been for years. The anti-STR faction want its concerns taken seriously and acted upon quickly. In addition, the specter of conflict of interest on the part of some city officials was raised. On the other side, business owners and investors see tremendous potential in developing the tourism industry in this unique town. The Trinidad city governing body welcomes the increased tax dollars

generated by the STRs as a means of keeping the small town financially viable. City government asserts it was attempting to solve troublesome issues, but such action takes time.

Additional research indicated there is a third player, the California Coastal Commission (CCC). As Trinidad lies within the coastal zone, the CCC has jurisdiction over some issues. When the city sent its original ordinance governing STRs to the CCC, it returned the ordinance with the direction to amend portions of it. After many meetings, discussions, and suggestions, Ordinance 2016-03 was approved by both the City of Trinidad and the CCC. This ordinance repealed and amended certain sections of the earlier ordinance as well as added new sections. It went into effect in 2017.

## METHODOLOGY

The Humboldt County Civil Grand Jury:

- Conducted interviews with complainants and city officials
- Read and reviewed over a thousand pages of documents from both sides
- Researched and read numerous public documents and local media
- Examined emails and other correspondence

## DISCUSSION

The small town of Trinidad embodies the hopes and dreams of many people within its tiny environs. Many of the residents want it to be the friendly, uncrowded place they remember existing when they moved there. Entrepreneurs hope to create businesses in its charming neighborhoods. Trinidad's city government hopes its decisions will make all these dreams come true.

However, Trinidad is not necessarily the peaceful place it appears to be at first glance. Fear, mistrust, frustration, and anger were expressed by some residents and city officials. What causes these emotions? The proliferation of short term rentals (STRs) and the problems they brought have changed the character of the town.

Trinidad is not alone in facing this issue. Cities and states throughout our nation, indeed the world, are experiencing the same concern. Just as Uber is changing the way people travel, STRs are transforming where visitors stay. In towns like Trinidad with limited or no commercial hotels/motels, residents have turned their spare rooms into overnight accommodations. It did not take long for real estate professionals and others to realize the profitability of buying houses and converting them to tourist rentals. At first, this new industry grew with little or no regulation. The lack of firm guidelines inevitably led to some of today's problems and conflicts.

Between 2000 and 2010, the vacation rental industry grew unrestricted according to city officials. As complaints about the STRs surfaced, the first city ordinance (2014-01) was proposed. It defined the zones within Trinidad which were opened to STR or Vacation Dwelling Unit (VDU) development. It stated:

*VDUs (also known as STRs) are permitted only in Special Environment Residential, Urban Residential, and Planned Development zoning districts. VDUs are also permitted*



*in a legally established accessory dwelling unit subject to meeting the requirements of this Section. Each separate VDU must obtain its own, individual VDU License. There shall be no more than one VDU per parcel, except that on lots with three or more legally established dwelling units, the number of VDUs may not exceed seventy-five percent (75%) of the total dwelling units.*

While this ordinance provided a good start, it did not resolve some of the problems raised by residents. They were not only upset with the number of STRs, but also with the increased noise and traffic, to name just two issues. Many of them felt there was a conflict of interest as some city officials retained interests in STRs at the same time they were re-issuing renewals. Emails and other correspondence questioned whether required inspections were performed and expressed frustration at attempting to resolve complaints. As a result, revisions were drafted to address these concerns.

Since Trinidad lies within the jurisdiction of the California Coastal Commission (CCC), it had to be consulted. This added time to the process. As the CCC reviewed the document, it required changes and additions. Eventually, a revised Ordinance 2016-03 was approved by both bodies. It became effective in June 2017.

While Trinidad is to be applauded for being the first city in Humboldt County to develop and pass an ordinance governing STRs, it did not come soon enough to avoid the disagreements among city residents. Citizens chose sides; confrontations occurred among neighbors and between residents and visitors. The key issues were not only with the number of STRs, but also with a lack of enforcement of STR rules and regulations, the complaint process, and possible conflicts of interest by city officials.

### **Number of STRs**

One of the major complaints expressed by those opposed to STRs was the town's loss of permanent residents. With houses being bought for investment purposes, the number of units available to potential full-time residents, such as families and retirees, dwindled. According to the preamble to Ordinance 2016-03, the proportion of homes being used primarily as vacation rentals grew from 5% in 2000 to approximately 18% in 2014. The ordinance established the number of STRs allowed in Trinidad.

STR opponents point to a declining number of volunteers willing to support town activities. In the last city-wide election, there was a serious lack of candidates for office as well as to serve on city boards and commissions. The number of townspeople willing to volunteer as firefighters diminished.

### **Lack of Enforcement**

The HCCGJ read volumes of complaints from residents to city officials concerning perceived violations of the rules and regulations governing STRs. The organization Saving Trinidad Neighborhoods (STN) submitted a six-page, detailed memo to the California Coastal Commission (CCC) requesting edits and changes to the Local Coastal Program Amendment Application No. LCP-1TRN-16-0065-1 to Amend Regulation for Short Term Rentals. The STN's document included requests to change definitions of such words as *dwelling*, *bedroom*, *occupant*, and *visitor*. It also asked for revisions of the language in such documents as applications and building inspections. Along with other issues, it states concerns about water usage, septic system size, traffic, and parking.



The result of ongoing talks, formal meetings, and zoning discussions was the twelve-page Ordinance 2016-03. In it, the CCC stated that:

- *STRs are an allowable use in residential zoning.*
- *STRs serve a benefit to the Coastal Act's goals by providing coastal lodging.*
- *Coastal Act section 30213 protects lower cost visitor...uses, including STRs.*
- *The City has an obligation to accommodate those uses.*

This ordinance gave direction to Trinidad city government in its effort to develop a balance among the interests of the CCC, residents, property owners, STR owners, city businesses, and visitors. Many hours were spent in conversations, meetings, hearings, etc. to develop STR standards which include:

- Definition of terms
- Number of STRs allowed
- STR application process
- Renewal requirements
- Occupancy numbers
- Noise limits
- Parking rules
- Signage
- Trash, water, and septic limits

The list of topics represents most of the complaints filed by those opposed to STRs. The ordinance is too detailed in its discussion of each of these topics to be included in this report; however it can be accessed via the City of Trinidad website. The HCCGJ believes the number of complaints will decrease if the rules and regulations in Ordinance 2016-03 are followed by the residents, STR owners and property managers, visitors, and city council members.

Also contained within the Short Term Rental Ordinances is the process for handling violations. STR property managers or owners are required to meet with at least one of the STR occupants on the first day of tenancy to explain the regulations and to affirm occupants have represented themselves correctly. Tenants are required to initial a form called the Good Neighbor Contract to signify they understand and agree to abide by the rules. In addition, each STR must have a 24-hour contact phone number prominently in place within it. That number must be forwarded to the city clerk, law enforcement, the fire department, and to each neighbor within 300 feet of the STR. It also must be posted on the city's website.

The HCCGJ believes the city has developed an ordinance with the goal of improving the relationship between visitors and residents. The problem, however, is some residents claim enforcement has been lax. According to complaints, STR owners or property managers either have not responded or have

responded inappropriately to neighbors' concerns. At the time of this report, Trinidad does not have a full-time deputy assigned, but residents hope one will be provided soon, which will allow for quicker responses to complaints.

### **Appeal Process**

According to city officials, the following is the complaint/appeal process which has been followed. Appeals are first heard and decided by the City of Trinidad's Planning Commission. If that decision is not satisfactory to any of the parties, they may appeal to the city council. If the council concurs with the city's planning commission's decision, the appeal is assumed to be denied. At this point, there has been a breakdown in the system in that sometimes the person filing the appeal is not informed of the final decision. Thus, the complainant does not know if the appeal has been heard or decided. The HCCGJ believes that notification of the city council's actions should be forwarded in writing to the complainant.

If a dispute continues after the appeal, according to the licensing agreement between the STR owner and the City of Trinidad, the ordinance says:

*STR owners agree to engage in mediation and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.*

Following the rules and communicating decisions should alleviate disputes with the complaint process.

### **Conflict of Interest**

A current city council member owns an STR and the partners of both a city official and another council member are STR property managers. Some in the community feel this situation raises the issue of a conflict of interest on the part of the council when they are discussing or deciding issues such as renewals and violations related to STRs.

The California Fair Political Practices Commission delineates conflict of interest issues in Chapter 7 of its Regulations Index. In Statutes 18700 and 18701, it presents the Basic Rule and Guide to Conflict of Interest Regulations and Determining Whether a Financial Effect is Reasonably Foreseeable. A citizen of Trinidad filed a complaint with the Enforcement Division of the Fair Political Practices Commission regarding conflicts of interest on the part of three city officials. The Commission replied that it

*...provides advice and opinions only to those persons whose duties are in question under the Act. As of this date, the governmental decision has not been made and the matter is hypothetical. For this reason, we will not pursue this matter further.*

The HCCGJ does not have jurisdiction to address the question of whether city council members and city officials have conflicts of interest. However, the minutes of some city council meetings indicate that those most closely associated with STRs have recused themselves from decision making. Nevertheless, it is unclear whether city council members consistently recuse themselves and what criteria are used in making such decisions. Persons who have questions regarding the conflict of interest laws as applied to STRs in Trinidad should contact the FPPC for more information.

## FINDINGS

- F1. Trinidad's complaint and appeal process has been slow and inconsistent which has led to confusion and frustration among residents.
- F2. Lack of compliance to Trinidad's Short Term Rental Ordinance by some Short Term Rental owners and property managers create frustration and animosity in the community.
- F3. Trinidad would benefit in having law enforcement assistance during tourist season to handle immediate violations of the STR ordinance.
- F4. It is unclear what criteria is used for city council recusal of those members who own or manage an STR which leads to a perception of conflict of interest within the community.
- F5. Because there is often no written notification of the result of an appeal, complainants sometimes are unaware if a resolution has been reached.
- F6. When properly utilized, Trinidad's Short Term Rental Ordinance provides workable methods for solving problems associated with Short Term Rentals.

## RECOMMENDATIONS:

The Humboldt County Civil Grand Jury offers the following recommendations to the City Council and to the citizens of Trinidad to consider for the peace and comfort of residents and visitors.

- R1. The Humboldt County Civil Grand Jury recommends the city of Trinidad and the citizens of Trinidad follow the steps outlined in Ordinance 2016-03 to solve complaints in reference to Short Term Rentals. This should take place upon receipt of this report. **(F1, F2, F6)**
- R2. The Humboldt County Civil Grand Jury recommends that the city of Trinidad consistently and strictly adhere to Ordinance 2016-03 to manage the short-term rental application and renewal process. This should take place upon receipt of this report. **(F1, F2)**
- R3. The Humboldt County Civil Grand Jury recommends the City of Trinidad allocate a portion of Transient Occupancy Tax revenue to hire seasonal enforcement staff to deal specifically with Short Term Rental issues by December 31, 2018. **(F3)**
- R4. The Humboldt County Civil Grand Jury recommends Trinidad city council members who own or manage Short Term Rentals always recuse themselves when STRs are considered, discussed, or voted upon. Said recusals should be recorded in the meeting's minutes. This should begin immediately upon receipt of this report. **(F4)**
- R5. The Humboldt County Civil Grand Jury recommends the Trinidad city manager notify complainants in writing within seven working days of all city decisions on Short Term Rental complaints and appeals. This should begin no later than October 1, 2018. **(F5)**

## REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Humboldt County Civil Grand Jury requires responses from the following governing bodies:

- City of Trinidad, City Council (R1, R2, R3, R4 R5)
- City of Trinidad, City Manager (R1, R2, R3, R4 R5)

## INVITED RESPONSES

- Saving Trinidad Neighborhoods (R1, R2, R3, R4 R5)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

## BIBLIOGRAPHY:

Web links:

[City of Trinidad STR Ordinance 2016-03](#)

[City of Trinidad Ordinance 2014-01](#)

[City of Trinidad VDU Ordinance 2012-02](#)

# Save Trinidad Neighborhoods

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August 3, 2018

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**RE: *Response to A Tale of Two Cities: Vacation Rentals in Trinidad, California***

**TO: The Honorable Judge Joyce D. Hinrichs, Humboldt County Superior Court, and  
Bernadette Cheyne, Foreperson of the Humboldt County Civil Grand Jury**

Dear Judge Hinrichs and Ms. Cheyne:

In response to the Grand Jury letter dated June 26, 2018, below are Save Trinidad Neighborhoods' (STN) responses to the findings and recommendations made in the Humboldt County Civil Grand Jury Report, *A Tale of Two Cities: Vacation Rentals in Trinidad*.

STN would like to commend the Humboldt County Civil Grand Jury (HCCGJ) on its thorough and independent investigation of the City of Trinidad's (City) lack of transparency, public process and enforcement of its Short-Term Rental Ordinance (STR Ordinance). The comprehensive and well-written findings provide clear and reasonable directives to the City to correct government transparency and quality-of-life problems associated with the proliferation of Short-Term Rentals (STRs) in our community. STN is hopeful the City will institute the recommended changes to promote open and transparent government and instill civility and fairness in City-related matters. STN sincerely appreciates your time and effort in this investigation, and we look forward to your follow up.

## **FINDINGS F1 through F6**

Below are STN's responses to Findings F1 through F6:

**Finding F1:** *Trinidad's complaint and appeal process has been slow and inconsistent which has led to confusion and frustration among residents.*

**Response: STN agrees with the Grand Jury's finding:**

STN would like to make a point of clarification regarding the complaint and appeal process. It is not only that the appellant is "*not informed of the final decision*," but also that complaints and appeals go entirely unresolved and/or are not addressed in any way by the City despite repeated inquiries by residents about the status of their complaints.

In the future, STN requests that all STR complaints and appeals be reviewed by the Planning Commission and City Council in staff report updates at their regular monthly public meetings. STN requests that the Planning Commissioners and City Councilmembers adopt a more active role in the oversight and resolution of STR complaints and appeals. Currently, other than a complaint form buried on the City's website, there are no administrative rules and regulations posted on the City's website, even though STR Ordinance section 17.56.190 (6.26).Q. states: *The City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the office of the City Clerk and posted on the City's website.* Two requests for this information were sent via email to the City Manager on July 12, and August 2, 2018. No response has been provided to date. (Please see Attachment #1.)

**Finding F2:** *Lack of compliance to Trinidad's Short Term Rental Ordinance by some Short Term Rental owners and property managers create frustration and animosity in the community.*

**Response: STN agrees with the Grand Jury's finding.**

A lack of attention to STR problems and ignoring residents' complaints has resulted in undue duress and hardship on the part of residents and has also created a divided and toxic community environment. STN would like to build a relationship with the City and asks that there be regular, publicly-noticed open forums, such as Brown Bag Workshops, to share concerns, suggestions and progress on City STR issues. These less formal and more open meetings would allow increased dialog between City officials and residents and help restore public trust in City governance. This process would reduce the perceived leveraging of STR needs and dollars over and above the needs of the residents by City officials. An Ad Hoc STR Committee was recommended by the City Council in March 2018. As of this time, no further information regarding the establishment of an STR Committee has been offered despite multiple requests for updates by residents.

**Finding F3:** *Trinidad would benefit in having law enforcement assistance during tourist season to handle immediate violations of the STR ordinance.*

**Response: STN agrees with the Grand Jury's finding.**

At this time, even when the Humboldt County Sheriff's Office (HCSO) is on duty and notified of STR problems by residents, there is no real-time (at the time the violation is occurring) enforcement of the STR Ordinance. Per the HCSO Deputy, STN was informed that, at this time, the Trinidad Deputy is not trained in these matters and cannot enforce the Trinidad STR Ordinance. (Please see Attachment #2.) STN would like the HCSO Deputy to become trained



so that he can conduct real-time enforcement of Trinidad's STR Ordinance (i.e., off-leash dogs, occupancy overages, excessive noise, unauthorized events).

**Finding F4:** *It is unclear what criteria is used for city council recusal of those members who own or manage an STR which leads to a perception of conflict of interest within the community.*

**Response: STN agrees with the Grand Jury's finding.**

STN would like all City Councilmembers and Planning Commissioners that own and operate STRs in Trinidad to recuse themselves whenever STR discussion/decision items are listed on City agendas, including STR Ordinance updates, violations or other issues. The perception of conflicts of interest was also mentioned in the Grand Jury Report, as it pertains to City staff. For example, while the Trinidad City Clerk is assigned with the review of STR complaints, appeals and renewals, he is also a property manager for multiple STRs in Trinidad. In addition, the City Clerk's partner is a property manager for a local vacation rental business which manages multiple STR properties in Trinidad. In the City Manager's absence, the City Clerk is the only resource for residents with STR problems. Due to the City Clerk's undeniable conflict of interests regarding STRs, STN believes the City Clerk should not be allowed to handle STR complaints, appeals, renewals and other STR-related matters in the City. (Please see Attachment #3.)

**Finding F5:** *Because there is often no written notification of the result of an appeal, complainants sometimes are unaware if a resolution has been reached.*

**Response: STN agrees with the Grand Jury's finding.**

Due to ongoing lack of public process and response by the City regarding STR complaints and appeals, it has become common place for a resident who files a complaint, or appeal, about an STR to receive a letter of litigation from the STR owner long before a response or determination has been made by the City Manager on the merits of the complaint. In addition to threats of lawsuits, residents continue to suffer verbal abuse and harassment and have been wrongly accused of lying and creating false reports by STR owners/managers, City officials and City staff. If the City was fair and prompt in its follow-up of complaints and appeals, this would greatly alleviate residents' anxiety surrounding STRs and restore their faith in the City's ability to properly and effectively govern STRs.

**Finding F6:** *When properly utilized, Trinidad's Short Term Rental Ordinance provides workable methods for solving problems associated with Short Term Rentals.*

**Response: STN agrees with the Grand Jury's finding.**

STN has long argued that the City, prior to adopting the STR Ordinance, did not properly evaluate the likelihood of enforcement problems associated with high numbers of STRs in Trinidad. STN brought forward, on numerous occasions, the lack of any clear enforcement options for residents, especially when Trinidad does not have an in-town police department or full-time police coverage. STN also asked for an analysis to review the taxpayer costs



associated with governing STRs in Trinidad. STN would also like an evaluation on how STRs: (1) impact the availability and affordability of housing in Trinidad, (2) displace people that would like to live and work in Trinidad, and (3) diminish the pool of full-time residents that could serve in various civic roles or volunteer capacities for the organizations that contribute to a vibrant and viable community.

## **RECOMMENDATIONS R1 THROUGH R5**

Below are Save Trinidad Neighborhoods responses to Recommendations R1 through R5:

**Recommendation R1:** *The Humboldt County Civil Grand Jury recommends the city of Trinidad and citizens of Trinidad follow the steps outlined in Ordinance 2016-03 to solve complaints in reference to Short Term Rentals. This should take place upon receipt of the report. (F1, F2, F6)*

**Response:** STN agrees that this recommendation should be implemented.

An approved complaint and appeal process (including timelines), and a complaint form, should be placed on the City webpage in a "one click and fill in" format for ease of access to residents. The City should inform the complainant of its receipt of the complaint and evaluate the complaint in a prompt and fair manner.

**Recommendation R2:** *The Humboldt County Civil Grand Jury recommends that the city of Trinidad consistently and strictly adhere to the Ordinance 2016-03 to manage the short-term rental application renewal process. This should take place upon the receipt of this report. (F1,F2)*

**Response:** STN agrees that this recommendation should be implemented.

**Recommendation R3:** *The Humboldt County Civil Grand Jury recommends that the city of Trinidad allocate a portion of Transient Occupancy Tax revenue to to hire seasonal enforcement staff to deal specifically with Short Term Rental issues by December 31, 2018.*

**Response:** STN agrees that this recommendation should be implemented.

To assure enforcement of the STR Ordinance, it appears there must be an agreement between the City and HCSO to ensure that any Sheriff's Deputy patrolling Trinidad has been properly trained to enforce the regulations of the STR Ordinance (e.g., off-leash dogs, occupancy overages, noise problems, unauthorized events and parking issues). An administrative assistant who works for the City is not a code enforcement officer. This may be a proposal from the City Council and City Manager, however, we feel that with past problems, if there is no real time enforcement, residents are put in the unfair position of reporting violations that are not validated by law or code enforcement and are, therefore, dismissed or determined to not be violations by the City Manager because they cannot be verified. (Please see Attachment #4A and 4B.)

**Recommendation R4:** *The Humboldt County Civil Grand Jury recommends Trinidad city council members who own or manage Short Term Rentals always recuse themselves when STR's are considered, discussed, or voted upon. Said recusals should be recorded in the meeting's minutes. This should begin immediately upon receipt of this report. (F4)*

**Response: STN agrees that this recommendation should be implemented.**

In all public meetings that include the discussion of STR issues, Councilmembers should be required to leave the room to avoid perceptions of conflicts of interest. Also, City staff who own or operate STRs should not be placed in positions of overseeing complaints, appeals or renewals, due to perceived conflicts of interest.

**Recommendation R5:** *The Humboldt County Civil Grand Jury recommends the Trinidad city manager notify complainants in writing within seven working days of all city decisions on Short Term Rental complaints and appeals. This should begin no later than October 1, 2018. (F5)*

**Response: STN agrees that this recommendation should be implemented.**

A formalized complaint and appeal process should be approved by the City Council and posted on the website for easy access to residents. Complaints and appeals should be promptly and fairly investigated by City staff and City officials, with written notice given to residents that their complaint or appeal has been received and a timeframe in which the issue will be investigated.

In closing, we recommend that the City re-evaluate the STR Ordinance so it is more manageable and compatible with the resources available to the City, and so that any ambiguities in the language are cleared up for ease of enforcement. The City should make enforcement of the STR Ordinance a priority and, if necessary, divert funds that are currently donated to non-profit organizations or other entities for STR enforcement purposes. STRs for Primary Residents only is the way many cities have balanced residential enforcement (e.g. San Diego, San Francisco) for STRs. Other cities have banned any non-owner occupied STRs (e.g. Santa Monica) based on protection of the community fabric and high costs of enforcement. STN looks forward to working with the City in the implementation of the recommendations set forth in the HCCGJ Report to support and protect the residents' public process rights and the quiet use and enjoyment of their homes. We look forward to the HCCGJ revisiting these issues next year to ensure that City officials: (1) follow public processes for STR complaints and appeals, (2) fairly and effectively enforce the requirements in the STR Ordinance, (3) work to make the complaint and appeal process more transparent and fair, and (4) resolve issues with perceived conflicts of interests by City officials and staff involved in Trinidad's STR industry.

Please feel free to contact me for further information.

Sincerely,

Kathleen Lake  
Save Trinidad Neighborhoods

A++ #1



Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

**Re: Grand Jury Report Response**

1 message

**Tom Davies & Kathleen Lake** <tomd.kathleenl@gmail.com>

Thu, Aug 2, 2018 at 1:46 PM

To: Dan Berman &lt;citymanager@trinidad.ca.gov&gt;

Cc: Dwight Miller &lt;trinidad.miller@gmail.com&gt;, Baker Jim and Joan &lt;jjbakers@gmail.com&gt;, West Jack &lt;jandjwest@yahoo.com&gt;, Susan Rotwein &lt;srotwein@trinidad.ca.gov&gt;, Steve Ladwig &lt;SLadwig@trinidad.ca.gov&gt;

Bcc: Dorothy Cox &lt;crabby2@suddenlink.net&gt;, Kimberly Tays &lt;kimkat067@gmail.com&gt;

At this time I am making a second request for the above information as I have not had any response yet from you for this specific request.

Please provide a response to the questions or let me know where the information can be obtained.

As this is a time sensitive issue again I am requesting a response as soon as possible, or please let me know why no response is given by the city.

Thank you,

Kathleen Lake

On Thu, Jul 12, 2018 at 8:23 PM, Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com> wrote:

Hi Dan,

As you are aware Save Trinidad Neighborhoods (STN) has been invited and intends to submit a response to the Humboldt County Grand Jury Report on issues relating to a lack of enforcement of STR regulations, the complaint appeal process, and possible conflicts of interest in the City of Trinidad. We have some questions that we hope you will respond to as soon as possible as this is a time sensitive issue.

1) Can you please advise me when the City intends to submit its required responses to Judge Hinrichs of the Humboldt County Superior Court?

2) What date will the Grand Jury Report be placed on the City Council agenda?

3) In the Grand Jury Recommendations R1 it states the following: "....recommends the city of Trinidad and citizens of Trinidad follow the steps outlined in Ordinance 2016-03 to solve complaints in reference to Short Term Rentals." We have never seen this complaint process that the Grand Jury refers to in their report. I cannot find any reference to it on the website, even though we have requested it from the City Clerk in the past. I am requesting that you please forward these complaint "steps" to me ASAP. I am curious what they are.

Below is the section out of the ordinance that the Grand Jury referenced in its report. The procedures mentioned in the ordinance are not posted on the City's website. The complaint form on the City's website are not "procedures" either, because the form does not include any steps to file a complaint or specify a timeline for a hearing or a determination by the City.

**17.56.190 (6.26).Q Administrative Standards and Rules**

*The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.*

Due to the upcoming 90-day deadline for responses (September 26, 2018), I would respectfully request that you forward your responses and those of the City Council to me via email as soon as possible for review and response by STN.

Thank you,  
Kathleen Lake

8/7/2018

Gmail - Re: Grand Jury Report Response

Save Trinidad Neighborhoods

Sent from my iPad



Tom Davies Kathleen Lake <tomd.kathleen@gmail.com>

A++ #2

**STR enforcement: conversation with Sheriff Officer Mathieson 12/16/17**

1 message

Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com>  
 To: Dwight Miller <dml@hawaii.edu>

Mon, Dec 18, 2017 at 11:57 AM

To: Dwight Miller <trinidad.miller@gmail.com>, Baker Jim and Joan <jjbakers@gmail.com>, West Jack <jandjwest@yahoo.com>, Richard Johnson <rjbr@gmail.com>, Diane Stockness <diane.stockness@gmail.com>, johng1949@suddenlink.net, Brett@saltystinidad.com  
Cc: lmathieson@co.humboldt.ca.us

Cc: lmathieson@co.humboldt.ca.us

Bcc: [REDACTED] <[REDACTED]@gmail.com>, [REDACTED] <[REDACTED]>, [REDACTED]  
 <[REDACTED]il.com>, [REDACTED] <[REDACTED]>, [REDACTED] <[REDACTED]>, [REDACTED]  
 <[REDACTED]>, [REDACTED] <[REDACTED]>, [REDACTED] <[REDACTED]>, [REDACTED]  
 <[REDACTED]>, [REDACTED] <[REDACTED]>, [REDACTED] <[REDACTED]>, [REDACTED]  
 <[REDACTED]>, [REDACTED] <[REDACTED]@gmail.com>, [REDACTED] <[REDACTED]>, [REDACTED]

Trinidad Public Officials.

Officer Mathieson contacted me over the weekend regarding the STR complaint for **unattended dogs barking next door for hours**, on two separate days, that I filed with him on Thursday, 12/14/16, at 461 Ocean Ave. I did not follow up with the property manager or the City Manager (CM) at that time regarding this complaint on 12/14/17 due the current outstanding litigation threats from the Property Manager, and the continued problem of getting absolutely no response from the Trinidad CM.

- 1) In an attempt to stop complaints, the RCVR management has sent a threatening and intimidating litigation letter regarding our legitimate complaints at this property (not the first letter we have received).
- 2) **The City Manager has never responded to our 11/4/17 complaint** at this same property regarding this same issue **in over 6 weeks** (and many other STR complaints from the community).

However, on Friday 12/15/17, I was able to **discuss** this complaint with the Property Manager employee who knocked on our door to give us yet another updated STR contact number (3 in the past month). I let her know of the complaint/barking dog next-door. She stated that "if the barking was **excessive** she would respond". This indicated to me that unattended dogs, barking inside the vacation rental, would not be consistently responded to but that **she would subjectively determine what was excessive?** She was also unable to determine when asked if the current occupant at 461 Ocean was a LTR or a STR. Shouldn't the City have record of this?

**All of the issues that we have had with the old and the new amended STR ordinance boils down to that fact the ordinance is not now and never has been enforced by the City.** Trinidad has no means of enforcement and never included any resources or process for enforcement. Trinidad has taken no action to protect residents or to uphold their obligation to residents, therefore many residents are continuing to receive litigation threats and slanderous comments regarding their legitimate STR complaints.

**Officer Mathieson reported the following in our phone conversation:**

He had had a long meeting with the Trinidad CM. During their conversation he had let the CM know that he was not going to be responding to 'animal control issues'. He stated that **many of the STR ordinance mandates were "issues between the City and the renter and were not law enforcement issues but rather civil code"**. He stated that code enforcement was the

Cities responsibility. He reported that Trinidad's contract with Humboldt County Animal Control was in place and that Trinidad residents needed to call the Sheriff in Eureka and report dog issues. We discussed that this call most likely would not actually be responded to, but would be used to "build a case around calls for service". And that "problem dogs are watched". I was dumbfounded by this response and how this process was preposterous in being effective with STR's. We further discussed that this method was **not an effective practice for STR's as the majority** of occupants of STR's stay two nights. Therefore, **no "case" would ever be built and no problems would be effectively resolved without "real time" response.** I also let him know that the **City Council had stated multiple times that we should call law enforcement for STR issues.** He stated that it was unfortunate but that **he could not respond to dogs barking at STR's, occupancy overages and many other STR issues.** Regarding STR occupancy overages he stated that he could respond to "parties" as he had been trained for that but **NOT OVERAGES.** He then reported that regarding city ordinances, "unless its written down as clear set policy", we dont' do that. We discussed the SRO three year rotation and issues that it creates when takes a lot of time to get new officers up to speed and then they rotate out.

I let him know that I respected his work as a Sheriff's Officer. Working hand in hand with law enforcement over many years I understand that he has no real power in fixing these problems with Trinidad. I also let him know that it appears that the residents of Trinidad have been "scammed" by the City of Trinidad. The City has not sufficiently directed us in the STR complaint process. The City has never vetted how enforcement for commercials (STR's) in residential zones would be managed. The City created an ordinance that has no hope of ever being enforced **even though the public and the Planning Commission made this very clear prior to the Council's adoption**. The City has miserably failed to protect the few long term residents in town and does not respond in meaningful ways to correct the problems. I also assured him that the City's continued mantra of **"experiencing growing pains" with this STR ordinance is disingenuous** as all public officials were **fully aware of these issues prior to approving the ordinance**.

The vacation rental revenues, that then Mayor Dwight Miller determined were so necessary for Trinidad, will always keep Trinidad residents in the red after paying for the high cost of **any real time enforcement**. All of our tax dollars that are currently being spent by the City Manager, City Planner, other Trinidad staff, and city attorney **do not benefit the residents**. As our City "governors" purport to figure out some way to pound their square peg into a round hole it clearly illustrates the real problem to be addressed. Commercial vacation rentals do not fit in residential zones. Residents are not protected nor do they benefit in any way. As I have said before the City has created a situation where they have **socialized the costs of these business and privatized the profits for a few**.

**This STR enforcement issue must be agendized at the City Council level**. Stop sweeping this problem under the rug. We have been working toward a resolution for over 10 years. The City must have transparency in the discussion. We need a plan that will work for the residents of Trinidad and not just the for profit business owners in Trinidad.

Thank you,

Kathleen Lake



Att. #3



Tom Davies Kathleen Lake &lt;tomd.kathleenl@gmail.com&gt;

**[Auto-Reply] Out of Office**

1 message

citymanager@trinidad.ca.gov <citymanager@trinidad.ca.gov>  
To: Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com>

Thu, Jul 12, 2018 at 8:23 PM

Thank you for your email -

I will be out of the office the week of July 9-13, returning on Monday July 16.

Please contact City Clerk Gabe Adams at cityclerk@trinidad.ca.gov or 677-0223 for urgent matters.

Thank you

Dan Berman  
City Manager  
Trinidad, CA





November 1, 2017

**Complaint Response**

The City received a complaint by email on October 8th that there were too many people present at the STR at 461 Ocean St. on Oct 7th and 8th. A follow-up email was received with additional information. The City also received a summary of events from the STR managers. Those complaints and statements are attached.

**Facts:**

- The STR is licensed for four occupants, (plus up to two kids under 12).
- This means they can have 8 adults there.
- The neighbor who filed the complaint called the STR manager. That call was received and responded to promptly, including a manager on site within 30 min, who spoke directly with the tenants and the neighbor.
- The managers contacted the City promptly to report the complaint and their response.
- The complaint included photos showing a number of cars parked in the vicinity. None of this parking appears to be illegal – these are public right of way parking spaces.

**Statements:**

- The complaint reports observing many cars and people coming and going. 'more than 8, seemingly an event' (my paraphrasing)
- The manager reports arriving unannounced in response to the call and finding 4 adults in the home.
- The manager reports seeing some of the parked cars that were thought by the complaint to be associated with 461 Ocean actually being associated with guests to another (non-STR) home at 495 Ocean.

**City Conclusions:**

It is impossible to independently verify what happened. It is possible that there were more than eight adults present at some point. It is also possible that some of the parked cars that prompted the complaint were not actually associated with 461 Ocean. The prompt response of the managers, the report of only four adults present upon the response, and the fact that there was no noise or other disturbances reported with the incident reported, lead City staff to the determination that this was not a 'significant violation' of the STR Ordinance.

The City has notified the managers that the guest limit must be strictly observed at all STRs in town, and this complaint will be considered in evaluating any future problems at this STR. No further action is planned. Feel free to contact me with any questions or concerns. This concludes the City's response to the original October 8<sup>th</sup> complaint.

Sincerely,

Dan Berman, City Manager  
City of Trinidad

## Trinidad City Manager

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**From:** Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com>  
**Sent:** Sunday, October 08, 2017 4:07 PM  
**To:** Dan Berman Trinidad City Manager  
**Cc:** Dwight Miller; Jack West; Baker Jim and Joan  
**Subject:** STR complaint re: occupancy overage 461 Ocean  
**Attachments:** IMG\_3614.JPG; Untitled attachment 00016.txt; IMG\_3613.JPG; Untitled attachment 00019.txt

Trinidad City Manager,

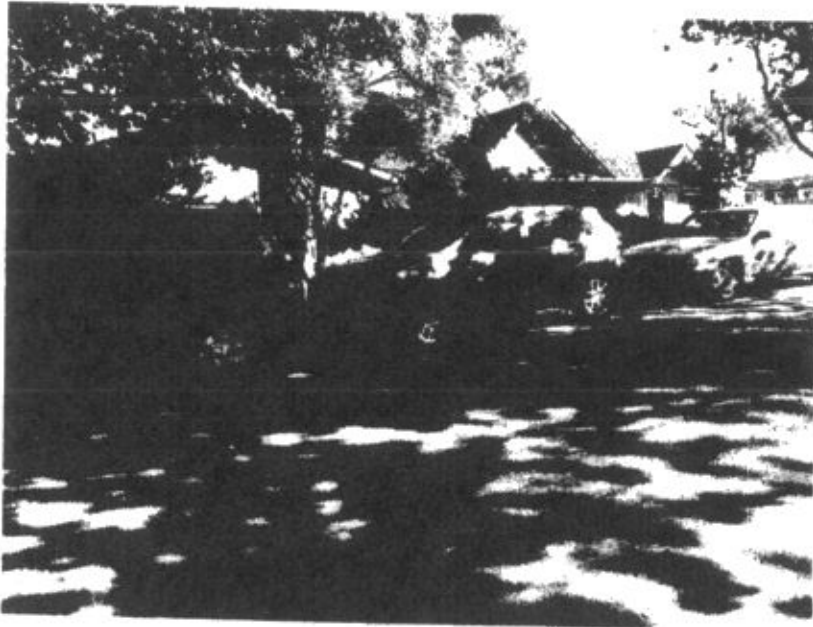
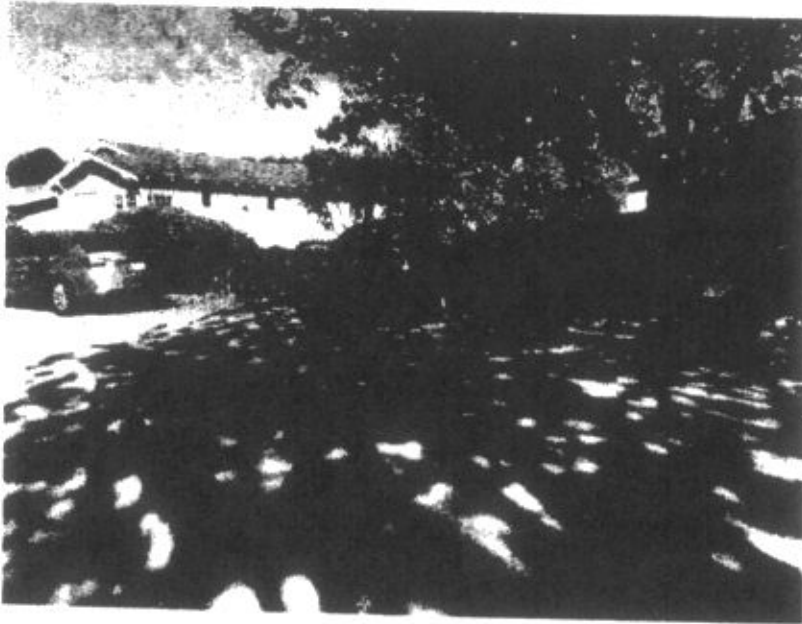
Yesterday and today there have been more than 8 adults at the Covney's STR. The photos below taken at 3:15 this afternoon show six vehicles parked at this property. People have been arriving all day bringing food and going in.

I called the number provided by the City. Dori Faulk answered. She let me know that this was her "personal number" and that she would let the manager "on call" know. She stated that the STR was allowed 8 adults plus children. There are way more than 8 adults present and it appears that an event is occurring at this time. I asked Dori if I would hear back from her and she stated that I would hear from the Manager on call. A women did arrive within the 30 minute timeframe. She stated that there were 4 adults in the residence at this time. I asked her to confirm where the remaining persons, who were parked out front, were if they were not at the house. She told me that she would clarify that and get back to me. It is now 4:00pm and she (the property manager) just drove away. She did not respond to my question and no vehicles have moved.

Overages at this property have been problematic and the City is aware of it. I do not feel that this issue has been handled to alleviate the overages.

Thank you,

Kathleen Lake



## Trinidad City Manager

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**Subject:** FW: STR complaint re: occupancy overage 461 Ocean

**From:** Tom Davies & Kathleen Lake [<mailto:tomd.kathleenl@gmail.com>]  
**Sent:** Sunday, October 08, 2017 4:25 PM  
**To:** Dan Berman Trinidad City Manager; Richard Johnson; Diane Stockness  
**Cc:** Dwight Miller; Jack West; Baker Jim and Joan  
**Subject:** Re: STR complaint re: occupancy overage 461 Ocean

Trinidad City Manager,

In order to add a bit more clarity to this problem, I will mention that the Property Manager did acknowledge that all of the the vehicles parked out front were associated with the STR. She stated that she had notified the house that "the vehicles must be moved by tonight".

On another note, I would also like to clarify that the number that I called for Dori is the number that the City provided as the contact for this property. Why is was told that this was her "personal number" is not clear to me.

Thank you,

Kathleen

## Trinidad City Manager

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**From:** midorifulk@gmail.com  
**Sent:** Sunday, October 08, 2017 4:50 PM  
**To:** Mike Reinman  
**Cc:** Nikkie Archer-Klemm; Dan Berman  
**Subject:** TVR complaint

3:11 PM Sunday Oct 8

Call from Kathleen Lake (on personal phone number again) informing me that the Trinidad Village Retreat is over-occupied, and claims it was the night prior as well, of which we received no prior call. Kathleen also claims TVR has 6 cars currently.

3:13 PM I call and reach Nikkie, the manager on duty, and ask her to go drive to the home unannounced to "catch" guests, and see if the house is over-occupied.

3:30 PM Nikkie calls me from 461 Ocean Ave and says guest are home and she met with them; there are 4 guests at the home, and one toddler and two cars. Guests match the registration. Guests did say they had 4 family members visit them, but they have their own place to stay. Nikkie reiterated policy to be on the safe side. Nikkie says Kathleen Lake is watching her from the window, so rather than call to follow up via phone, she speaks with Kathleen Lake directly to inform her there are only 4 guests there. Kathleen proceeds to tell Nikkie the guests are lying and that there are more people at the beach. Nikkie chooses to sit out in car and wait to see if any return.

3:41 PM Neighbors come out of the corner home at 495 Ocean Ave. and get into some of the cars Kathleen assumed were from 461 Ocean Ave.

4:00 PM No further activity so Nikkie leaves.



Virus-free. [www.avast.com](http://www.avast.com)

## Trinidad City Manager

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**From:** Nikkie Archer-Klemm <nikkie@redwoodcoastvacationrentals.com>  
**Sent:** Monday, October 09, 2017 11:47 AM  
**To:** citymanager@trinidad.ca.gov  
**Cc:** Mike Reinman; Midori Fulk  
**Subject:** Kathleen Lake-RCVR

11:20AM

I arrived at TVR to do a property inspection post guests, as I exited my vehicle Kathleen Lake stepped out of her home to speak to me. She asked why I didn't follow up with her yesterday and I let her know when I spoke to her yesterday after speaking to the guests was my follow up.

No other complaints were made yesterday after the initial email was sent.

Nikkie Archer-Klemm  
Redwood Coast Vacation Rentals



November 1, 2017

**Complaint Response**

The City received a complaint by email on October 8th that there were too many people present at the STR at 461 Ocean St. on Oct 7th and 8th. A follow-up email was received with additional information. The City also received a summary of events from the STR managers. Those complaints and statements are attached.

**Facts:**

- The STR is licensed for four occupants, (plus up to two kids under 12).
- This means they can have 8 adults there.
- The neighbor who filed the complaint called the STR manager. That call was received and responded to promptly, including a manager on site within 30 min, who spoke directly with the tenants and the neighbor.
- The managers contacted the City promptly to report the complaint and their response.
- The complaint included photos showing a number of cars parked in the vicinity. None of this parking appears to be illegal – these are public right of way parking spaces.

**Statements:**

- The complaint reports observing many cars and people coming and going. 'more than 8, seemingly an event' (my paraphrasing)
- The manager reports arriving unannounced in response to the call and finding 4 adults in the home.
- The manager reports seeing some of the parked cars that were thought by the complaint to be associated with 461 Ocean actually being associated with guests to another (non-STR) home at 495 Ocean.

**City Conclusions:**

It is impossible to independently verify what happened. It is possible that there were more than eight adults present at some point. It is also possible that some of the parked cars that prompted the complaint were not actually associated with 461 Ocean. The prompt response of the managers, the report of only four adults present upon the response, and the fact that there was no noise or other disturbances reported with the incident reported, lead City staff to the determination that this was not a 'significant violation' of the STR Ordinance.

The City has notified the managers that the guest limit must be strictly observed at all STRs in town, and this complaint will be considered in evaluating any future problems at this STR. No further action is planned. Feel free to contact me with any questions or concerns. This concludes the City's response to the original October 8<sup>th</sup> complaint.

Sincerely,

Dan Berman, City Manager  
City of Trinidad





Att. 4B

June 29<sup>th</sup>, 2018

## Complaint Response

Dear Ms. Lake,

Your complaint regarding an off-leash dog associated with the STR at 461 Ocean Ave was received via email on the evening of Monday June 25<sup>th</sup> (Attachment 1). I responded to you via email the next morning to acknowledge receipt of the complaint and estimated I would have a response by the end of the week. I shared the complaint with Redwood Coast Vacation Rentals (RCVR) and asked them to answer a set of questions about what happened (Attachment 2). They provided a brief response the same day (Attachment 3), and they provided the Code of Conduct (Attachment 4) and response to my questions (Attachment 5) the next day, Wednesday June 27<sup>th</sup>.

Based on the information available from your complaint and RCVR's response, I draw the following conclusions:

- 1) The STR occupant's dog was off leash.
- 2) There are conflicting accounts of whether that occurred off the property (in violation of the City Municipal Code), or on the property.
- 3) Your call to RCVR's contact number was answered immediately and handled professionally, including contacting the guests right away to correct the situation, and following up with you promptly.
- 4) By their account, (as reported by RCVR), the guests were aware of the leash requirement. They did sign the required 'Good Neighbor Contract' which includes this information.

It would be very difficult to issue a citation for the off-leash dog in this circumstance without a Deputy Sheriff witnessing the off-leash dog. RCVR seems to have fulfilled all their obligations under the STR Ordinance in terms of making the rules clear, obtaining signatures on the Good Neighbor Contract (via their online version of it), and responding promptly to the call, and to my questions about the incident.

My determination is that this incident does not constitute a 'Significant Violation' of the STR Ordinance. This complaint, with response, will be filed and become part of the record for future STR discussions. I suggested to RCVR that providing a leash in their rentals and additional signage about the leash law could help, and they agreed.

I appreciate that it takes time and effort for citizens to notify the City and STR managers when problems arise, and I thank you for making that effort so that this incident can be captured for the

record and can help prompt improvements such as providing leashes and specific leash law signage in STRs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Berman".

*Dan Berman*  
*City Manager*

Cc: RCVR  
City Council  
City Clerk  
Planning Commission  
City Planner



## DISCUSSION AGENDA ITEM 2

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 17 PAGES**

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2. Discussion/Decision regarding development of an Administrative Fines Ordinance.

## **ACTION AGENDA ITEM**

Date: September 12<sup>th</sup>, 2018

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### **Item: Administrative Fines Ordinance Development**

The Planning Commission has recommended the City adopt an Administrative Fines Ordinance. This would provide City staff with an alternative, and much easier, enforcement mechanism to address violations of City Code.

Currently the enforcement process is a criminal process involving our City Attorney, and only our Sheriff Deputies can issue citations of any kind.

An administrative fines ordinance allows designated City staff to issue fines for ordinance violations, without involving our attorney or our deputies.

Three examples from other CA cities are attached.

This meeting is intended to generate Council, staff, and public discussion and input, with a goal of coming back to Council at a subsequent meeting with a draft Ordinance ready for a First Reading.

Key issues that vary between the attached examples include:

- Fine amounts
- Who can issue fines
- Appeal process

### **Staff recommends the Council:**

- a) accept public comment*
- b) discuss the attached examples*
- c) Provide guidance to staff for a Trinidad Ordinance.*

Attachments:

- 1) Administrative Fine Examples (three are included).

Sections:

1.12.010 - Purpose.

The city council finds that there is a need for an alternative method to enforce provisions of its ordinances, as amended from time to time. The city council further finds that the assessment of civil fines and penalties through an administrative hearing procedure for code violations in accordance with Government Code Section 53069.4 is a necessary, alternative method of ordinance enforcement.

(Ord. No. 600, § 4, 1-11-2016)

1.12.020 - Cumulative with other remedies.

The enforcement remedy of administrative assessment of civil fines and penalties established in this chapter shall be cumulative and in addition to any other applicable statutory, administrative or judicial remedy authorized by any applicable law or ordinance.

(Ord. No. 600, § 4, 1-11-2016)

1.12.030 - Definitions.

- A. "Enforcement officer" means the code enforcement officer designated by the city manager, including any deputies of the code enforcement officer, and any sworn peace officer employed by the city.
- B. "Property owner" means the owner of record of the real property, upon which a violation of a city ordinance exists, as shown on the most recent equalized tax roll, the occupant of that real property, the person in possession of that real property and any other interested person responsible for such property or the violation.
- C. "Notice of violation" means the "notice of violation, order to correct and notice of assessment of administrative fines and penalties" or its substantial equivalent, issued by the enforcement officer in compliance with this chapter.
- D. "Person" means any natural person, partnership, trust, corporation, limited liability company, association, society, club or other entity but shall not include the city or any of its employees and agents acting within the scope and course of such employment or agency.

(Ord. No. 600, § 4, 1-11-2016)

1.12.040 - Imposition of civil fines and penalties.

- A. Any person violating any provision of an ordinance enacted by the city, as amended from time to time, shall be subject to the assessment of civil fines and penalties pursuant to the administrative procedures established in this chapter and authorized by Government Code Section 53069.4.
- B. Each and every day that a violation of any city ordinance exists shall constitute a separate and distinct violation.

(Ord. No. 600, § 4, 1-11-2016)

1.12.050 - Enforcement authority.

- A. The enforcement officer shall have the authority and powers necessary to determine whether a violation of a city ordinance exists and the authority to take appropriate action to gain compliance with the provisions of all ordinances enacted by the city. These powers include the power to issue a notice of violation; the power to assess and collect civil fines and penalties as provided in this chapter; and the power to enter and inspect private property within the boundaries of the city pursuant to the consent of the property owner or other person in charge, or a warrant.
- B. These inspections may include, but are not limited to, the taking of photographs or video recordings and the taking of samples or other physical evidence. All entries, examinations, inspections and surveys shall be conducted in a reasonable manner. If all property owners, tenants or other responsible persons refuse to consent to the entry or inspection by the enforcement officer, the enforcement officer may seek and obtain an inspection warrant pursuant to Part 3, Title 13 of the Code of Civil Procedure (commencing with Section 1822.50) except that, notwithstanding Section 1822.52 of the Code of Civil Procedure, the warrant shall be issued only upon probable cause.

(Ord. No. 600, § 4, 1-11-2016)

1.12.060 - Amount of fines and penalties.

Any person who violates any provisions of any ordinance enacted by the city, as amended from time to time, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine or penalty up to the maximum amounts set forth in this chapter.

(Ord. No. 600, § 4, 1-11-2016)

1.12.070 - Amount of fine.

The enforcement officer may impose as the administrative fine, an amount up to the maximum fine or penalty amounts for infractions set forth in subsection (b) of California Government Code Section 36900, to the extent permitted by law; the enforcement officer may impose the fine if the violation is not abated by the date specified in the notice of violation issued in compliance with Section 1.12.100 of this chapter. If each day the violation exists is deemed a separate violation, the amount of the fine which may be imposed shall be calculated based upon the number of calendar days from the date of transmittal of the notice of violation through the date of abatement.

(Ord. No. 600, § 4, 1-11-2016)

1.12.080 - Interest.

Any administrative fine and penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the twentieth (20th) day after the penalty becomes a final decision or order.

(Ord. No. 600, § 4, 1-11-2016)

1.12.090 - Determination of fine.

- A. The enforcement officer shall determine the amount of fines or penalties in the first instance. In making the determination, the enforcement officer may take into account the facts and circumstances of the violation, including without limitation the following factors:
1. The length of the time the violations existed;
  2. The culpability of the owner and the willfulness of the violation;
  3. The number of previous violations of the same or related type committed by the owner within the preceding twelve (12) months;
  4. The extent of the violation and the effect of the violation on other residents within the boundaries of the city;
  5. Attempts, if any, to comply with the applicable ordinance(s);
  6. The time necessary to abate the violation; and
  7. Any other information relevant to a determination of the fine.
- B. In making a determination of the amount of the fine, the enforcement officer may consider any relevant information including, without limitation, any information submitted by the property owner. In the event that the enforcement officer determines that the violation was not caused by, or with the knowledge of, the present property owner, the enforcement officer may reduce or eliminate the fine. In the event the enforcement officer determines that the correction of the violation is not feasible, and the violation does not impact other residents within the boundaries of the city, the enforcement officer may reduce or eliminate the fine.

(Ord. No. 600, § 4, 1-11-2016)

1.12.100 - Notice of violation, order to correct and notice of assessment of administrative fines and penalties.

Upon determining that a violation exist of any ordinance enacted by the city, the enforcement officer may take the following steps:

- A. Issue a "notice of violation, order to correct, and notice of assessment of administrative fines and penalties" to the property owner by certified mail or by personal service. The notice of violation shall specify or contain:
1. The name and address of the property owner, and the address and assessor's parcel number ("APN") of the real property where the violation exists;
  2. A statement that a determination has been made that a violation of the particular ordinance exists on the identified property and specifying the sections of the ordinance violated and the conditions constituting each and every violation;
  3. A specified time period of not less than thirty (30) days from receipt of the notice of violation within which the violation must be abated;
  4. A statement advising the property owner that in the event the violation is not abated by the deadline specified in the notice of violation, the property owner shall be subject to administrative fines and penalties under this chapter and specifying the maximum amount of such fines and penalties;
  5. A statement that the property owner may submit in writing to the hearing officer any information relating to the determination of the existence of the violation or violations or the



- amount of the fine to be imposed;
6. A statement of any additional potential consequences that could occur if the violation continues after the expiration of the deadline specified in the notice of violation including, but not limited to, criminal prosecution, civil injunction, administrative abatement, judicial abatement, summary abatement, revocation of permits, recordation of notice of violation, and withholding of future city permits.
  7. A statement that the property owner affected by the notice of violation may appear before the hearing officer at the date and time specified in the notice of violation to appeal the findings, determinations and amount of potential fines and penalties set out in the notice of violation.
  8. A statement that should the property owner fail to appear at the appeal hearing specified in the notice of violation, the findings, determinations and amounts of administrative fines set out in the notice of violation shall be final.
- B. The enforcement officer may, in her/his discretion, record a copy of the notice of violation with the county recorder. In the event of such recordation, and in the event that the notice of violation is subsequently modified, the enforcement officer shall record an amended notice of violation. Correction or abatement of the violation shall not excuse the owner's liability for costs incurred during the administrative abatement process. In the event that the notice of violation is eliminated through the appeal process or because the violations have been corrected within the deadline specified in the notice of violation, the enforcement officer shall record a "notice of withdrawal of notice of violation" or a "notice of satisfaction and compliance with notice of violation," as warranted.
- C. If the enforcement officer determines that an effort is being made to correct the violation, he or she may grant an additional period of time for correction of the violation. Unless the notice of violation is appealed as provided in Section 1.12.110 of this chapter, the notice of violation shall constitute the final administrative order or decision of the city and the assessment of administrative fines and penalties shall become a final order or decision within the meaning of Government Code Section 53069.4(b)(1).
- D. Notwithstanding subsection A. above, the enforcement officer may require immediate abatement of a violation if the violation creates an imminent danger to the health and safety of other persons or property within the boundaries of the city, including city staff and city property. Such summary abatement must comport with all applicable laws and any requirements enacted in this Code or such other uniform code which has been adopted by the city.

(Ord. No. 600, § 4, 1-11-2016)

1.12.110 - Initial appeal of notice of violation.

- A. The notice of violation shall set an appeal hearing which shall be no sooner than twenty (20) days and no later than forty-five (45) days following the issuance of the notice of violation. Failure of the property owner to timely appear will result the notice of violation and the assessment of administrative fines and penalties to immediately become a final order or decision.
- B. During the appeal hearing, the hearing officer shall: review the notice of violation; review any relevant evidence submitted by the property owner; consider the factors set forth in Section 1.12.090 of this

chapter; and either uphold, withdraw or modify the notice of violation and the fines and penalties specified in the notice of violation. The hearing officer shall serve a copy of his or her written decision on the property owner. The written decision shall also include or be accompanied by a description of the right to appeal the hearing officer's decision to the city council as provided in Section 1.12.120 of this chapter. Service of the hearing officer's decision shall be complete within five calendar days after the date it was mailed by first-class U.S. mail to the property owner at the address shown on the last equalized tax roll.

- C. The decision of the hearing officer shall constitute the administrative order or decision of the city and be final and confirmed within the meaning of Government Code Section 53069.4(c) unless appealed to the city council as set out in Section 1.12.120 of this chapter.

(Ord. No. 600, § 4, 1-11-2016)

1.12.120 - Appeal to the city council.

- A. The person who appealed the notice of violation pursuant to Section 1.12.110 of this chapter may appeal the decision of the hearing officer to the city council pursuant to Title 1 of this Code and subject to all of the requirements of this chapter which shall be controlling to the extent of any inconsistency with Chapter 1.13 of Title 1.
- B. A notice of appeal must be in writing, must be filed with the city clerk and must state specifically all of the claimed errors, abuses of discretion and other grounds for the appeal. The city council shall consider only the issues raised in the timely notice of appeal as a basis for appeal. The appellant, with approval of the city council, may amend the written notice of appeal to include additional issues, before submission to the city council for decision.
- C. At the time of filing the appeal, the appellant must pay a fee in an amount adequate to cover the cost of processing and hearing the appeal, as established from time to time by resolution of the city council. The city shall also recover from the appellant the costs of preparation of any transcript of testimony requested by the appellant.
- D. The city clerk shall cause a notice of hearing to be mailed to the appellant by first-class mail specifying the date, time and location where the city council will meet and hear the appeal, which date shall be not less than five calendar days after the date of mailing the notice. The city clerk shall also give a copy of said notice to the responding city officer or employee. Upon receipt of the notice of hearing from the city clerk, the responding city officer or employee shall transmit to the city clerk copies of all documents pertaining to the matter under appeal, a transcript of testimony as the appellant shall specifically request and pay for, and a summary of all of the evidence presented to the responding city officer or employee. The city clerk shall also give such other notices as may be required by law or ordinance.
- E. At the time fixed by the city clerk, the city council shall meet to review the appeal. The appellant may appear and be heard on the matter.
- F. The notice of violation and the written decision of the hearing officer shall be admitted into evidence. The appellant shall bear the burden of proving that the decision of the hearing officer should be vacated or modified.
- G. In reviewing the decision of the hearing officer, the city council shall consider the factors set forth in Section 1.12.090 of this chapter, and shall uphold, repeal or modify the decision of the hearing officer;

and the city council shall uphold, eliminate, or modify any fines and penalties assessed by the hearing officer. The written decision shall also include or be accompanied by a description of the appellant's right to appeal the decision as provided in Government Code Section 53069.4 and Section 1.12.130 of this chapter.

- H. At the hearing on appeal, the city council shall review the documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the appellant's notice of appeal and any amendments thereto. Oral evidence shall be taken on oath or affirmation. Each side shall have the right to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a party does not testify on her/his own behalf she/he may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the city council if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the city council may affirm, reverse or modify the finding, decision or action, or may refer the matter back for further action.
- I. The decision of the city council shall constitute the final administrative order or decision of the city within the meaning of Government Code Section 53069.4(b)(1) and (c). The city clerk shall cause a copy of the city council's written decision to be served by first-class mail on the appellant specified in the written notice of appeal. Service of the city council's decision shall be complete on the fifth day after the date it is mailed by the city clerk to the address provided by the appellant on the notice of appeal.

(Ord. No. 600, § 4, 1-11-2016)

#### 1.12.130 - Judicial review.

- A. Any person aggrieved by a final administrative order or decision imposing an administrative fine after an appeal under Section 1.12.120 of this chapter may seek review in the Tulare County Superior Court pursuant to the terms of Government Code 53069.4(b).
- B. Judicial review of a decision of the city council made after a hearing pursuant to Section 1.12.120 shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

(Ord. No. 600, § 4, 1-11-2016)

#### 1.12.140 - Enforcement and collection.

When an administrative fine or penalty becomes a final order under this Chapter or Government Code Section 53069.4, the city may proceed to collect the fine or penalty as follows:

- A. The city may commence a civil action to enjoin and/or collect the administrative fines and penalties.

In the event a civil action is commenced to collect the administrative fines and penalties, the city shall be entitled to recover all costs associated with the collection of the fines and penalties. Costs include, without limitation, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure Section 1033.5.

- B. The amount of any unpaid final administrative fine, plus interest, plus any other costs as provided in this chapter, may be declared a lien on any real property owned by the property owner against whom an administrative penalty has been imposed, as follows:
1. Notice shall be given to the property owner before recordation of the lien, and shall be served in the same manner as a summons in the civil action pursuant to Code of Civil Procedure Section 415.10 et seq.;
  2. The lien shall attach when the city records it with the county recorder's office. The lien shall specify the amount of the lien, the date of the code violations, the date of the final decision, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel; and
  3. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, the city shall record a notice of the discharge containing the information specified in Section 1.12.100 8.B.
- C. The city may withhold issuance of licenses, permits and other entitlements to the property owner on any project, property, or application of any kind whenever an administrative penalty remains unpaid.
- D. The city may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, commencing with California Code of Civil Procedure Section 680.010.

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## Chapter 1.10 CODE ENFORCEMENT ADMINISTRATIVE FINES

### Sections:

**1.10.010** Enforcement through administrative fine.

**1.10.020** Amount of fines.

**1.10.030** Notice of violation.

**1.10.040** Issuance of administrative citation.

**1.10.050** Review to contest administrative citation.

**1.10.060** Review Officer.

**1.10.070** Review procedure.

**1.10.080** Review Officer's decision.

**1.10.090** Appealing Review Officer's decision.

**1.10.100** Collection of fines and charges.

### **1.10.010 Enforcement through administrative fine.**

A person who has violated a regulatory provision of this code may be required to pay an administrative fine in accordance with the provisions of this chapter. (Gov. Code § 53069.4) (Ord. 1862)

### **1.10.020 Amount of fines.**

The following fines shall be imposed for each separate violation of same code section:

A. \$100.00 for a first violation;

B. \$200.00 for a second violation within the same year; and

C. \$500.00 for each additional violation in the same year. (Gov. Code § 36900)

### **1.10.030 Notice of violation.**

A. The Code Enforcement Officer shall provide a reasonable period of time for the person who has violated a regulatory provision of the code to correct the violation, if the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, and does not create an immediate danger to health or safety.

B. If the person fails to cure the violation within the time provided by the Code Enforcement Officer, the Code Enforcement Officer is authorized to issue an administrative citation.

### **1.10.040 Issuance of administrative citation.**

An administrative citation shall contain the following information:

- A. The date of the violation.
- B. The address or a description of the geographic location where the violation occurred.
- C. The section of the code violated.
- D. A description of the conditions which caused the code violation.
- E. An order to bring the conditions into compliance with the code.
- F. Information concerning the fine:
  - 1. The amount of the fine which the citee is to pay;
  - 2. The date, 20 working days from the date of the citation, by which the citee must pay the fine; and
  - 3. The location where the citee must pay the fine.
- G. Notice that the citee's payment of the fine does not excuse a continued or subsequent violation of the code.
- H. Notice of the citee's entitlement to request an administrative review.

**1.10.050 Review to contest administrative citation.**

- A. Request for Review. A citee may contest the citation by:
  - 1. Completing a request for review form and returning it to the City Clerk within 20 days from the issuance of the administrative citation; and
  - 2. Depositing with the City Clerk a refundable \$25.00 deposit for the review.
- B. Suspension of Payment of Fine. If the citee files a timely request for review, the requirement to pay the fine shall be suspended and the payment of the fine, if any, shall be in accordance with the decision of the Review Officer.
- C. Processing Request.
  - 1. Upon the receipt of a request for review, the City Clerk shall set the matter for hearing and provide the citee at least 10 days' notice of the time, date, and location of the review.
  - 2. If the City intends to submit any written material for consideration at the review, other than the citation, then the City Clerk shall provide copies of such additional material to the citee at least five working days prior to the review.

**1.10.060 Review Officer.**

The City Manager shall designate a competent person or persons to serve as a Review Officer.

**1.10.070 Review procedure.**

- A. If the citee requesting the review fails to appear, the Review Officer shall enter a decision upholding the citation.
- B. At the review, the City shall present its case in support of the contention that a violation of this code has occurred and that the citee is responsible.



C. At the review, the person contesting the penalty shall be given the opportunity to testify and to present evidence that a violation did not occur and/or the citee is not responsible for the violation.

**1.10.080 Review Officer's decision.**

A. The Review Officer shall issue a written decision to uphold or set aside the administrative citation and shall present the reasons for the decision.

B. The City Clerk shall send a copy of the Review Officer's decision to the citee with notice of the citee's entitlement to appeal the Review Officer's decision in Superior Court.

C. The decision of the Review Officer shall be the City's final action on the matter. The decision shall be final as of the date of the decision.

D. If the Review Officer upholds the administrative citation, the City shall reimburse the citee's \$25.00 deposit.

**1.10.090 Appealing Review Officer's decision.**

A. A citee may appeal the Review Officer's decision by filing an appeal with the Superior Court, within 20 days from service of the Review Officer's decision. (Code of Civil Procedure § 1094.6; Gov. Code § 53069.4)

B. Suspension of Payment of Fine. If the citee files a timely appeal with the Municipal Court, the requirement to pay the fine shall be suspended and the payment of the fine, if any, shall be in accordance with the decision of the Superior Court.

**1.10.100 Collection of fines and charges.**

If a citee fails to pay the fine in a timely manner, the City may collect any past due fines by use of all available legal means.

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The Coronado Municipal Code is current through Ordinance 2077, passed February 6, 2018.

Disclaimer: The City Clerk's Office has the official version of the Coronado Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.coronado.ca.us/>

City Telephone: (619) 522-7300

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**Palm Springs Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 1 GENERAL PROVISIONS](#)**Chapter 1.06 COMMUNITY IMPROVEMENT AND ADMINISTRATIVE CITATIONS****1.06.010 Intent.**

- (a) This chapter provides for administrative citation remedies, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code, including any codes adopted by reference, or other public nuisance.
- (b) This chapter establishes an administrative citation process and monetary penalties to encourage and expedite compliance with the provisions of the Palm Springs Municipal Code. This chapter encourages voluntary compliance through the implementation of a process that informs responsible parties of violations by giving a written warning before taking action and allowing reasonable time lines for compliance.
- (c) The goals of this chapter focus on minimizing the number of code violations made by property owners, renters, business owners, and other stakeholders of the city by instituting a citation process and promoting a positive city image. The goals of this chapter are as follows:
- (1) To improve the quality of life for Palm Springs residents and business owners by reducing the number of code violations through the encouragement of expedient compliance;
  - (2) To protect the health, safety, and welfare of the general public by minimizing potentially harmful municipal code violations;
  - (3) To provide a simplified administrative citation process in order to encourage its implementation;
  - (4) To minimize the time and expense associated with code enforcement action;
  - (5) To provide a methodology to hold noncompliant parties responsible for continuous violations; and
  - (6) To provide for the enhanced collection of delinquent code enforcement fines, costs, fees and penalties by conditioning issuance and renewal of city licenses and permits upon payment of such delinquent code enforcement fines, costs, fees and penalties.
- (d) The council finds that the enforcement throughout the city of the provisions of this code, including such codes as have been incorporated by reference and any applicable state codes, is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The council recognizes that code enforcement depends upon the codification and implementation of fair, reasonable, and consistent regulations that can be effectively applied in administrative and judicial proceedings. The council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with this code and the regulations contained in this code. (Ord. 1669 § 5, 2005)

**1.06.020 Definitions.**

In construing the provisions of this chapter, the following definitions shall apply:

"Administrative citation" means a monetary penalty issued after failure to abate a violation of the Palm Springs Municipal Code.

"City manager" means the city manager of the city or the city manager's designee or designees.

"Enforcement officer" means a code compliance officer, police officer, building inspector, or any other city employee designated by the city manager to enforce the provisions of the Palm Springs Municipal Code and granted authority to issue notices and administrative citations pursuant to this title. The term "enforcement officer" also includes any city employee or official expressly pro-

vided enforcement authority pursuant to the provisions of this code.

“Hearing” means a hearing conducted by a hearing officer regarding an appeal of the issuance of an administrative citation submitted by a responsible party.

“Hearing officer” means an individual or board (including, but not limited to, the administrative appeals board) as may be designated by the city manager to conduct hearings, including appeals hearings, and make decisions as provided in this chapter.

“Public safety officer” means a police officer or the fire chief of the city or the fire chief’s designee authorized under the laws of the State of California or this code to enforce the provisions of the Palm Springs Municipal Code. A “public safety officer” is an “enforcement officer” as defined in this chapter.

“Responsible party” means the owner of property upon which a violation of the Palm Springs Municipal Code exists. This term shall also include any non-owner, occupant, or other person or entity in control of the property who is creating, causing, or maintaining any condition in violation of the Palm Springs Municipal Code. (Ord. 1679 § 3, 2005; Ord. 1669 § 5, 2005)

#### **1.06.030 Administrative citation and pre-citation or courtesy notice.**

(a) Whenever an Enforcement Officer charged with the enforcement of any provision of this Code determines that a violation of that provision has occurred, either by receiving a complaint or being witness to the violation, the Enforcement Officer has the authority to take the actions identified in this Section and issue an administrative citation to a responsible party for the violation, as provided herein, unless the violation is deemed to be an immediate threat to life and safety, at which time the matter shall be referred to the Building Official, Police Department, Fire Department, or other applicable agency, depending on the nature of the violation, for immediate action. A Public Safety Officer shall not be required to issue a pre-citation or courtesy notice as provided in Subsection (b) of this Section; however, a Public Safety Officer, in the discretion of such officer, may issue such courtesy notice. The City Manager may by administrative rule or regulation or by direction or order authorize an Enforcement Officer to issue an administrative citation without first complying with the pre-citation or courtesy notice requirements as otherwise required pursuant to Subsection (b) of this Section.

(b) Prior to issuing an administrative citation for a violation of this code that does not create an immediate danger to health or safety, the enforcement officer shall serve a pre-citation or courtesy notice on the responsible party for the violation containing the following information:

- (1) The date the violation was observed;
- (2) The address or a definite description of the location where the violation was observed;
- (3) The section of this code violated and a description of the violation;
- (4) The compliance date by which the violation shall be corrected or otherwise remedied, which shall be no less than fifteen days and no more than sixty days from the date the pre-citation notice is given, as determined to be reasonable by the code enforcement official;
- (5) A statement that if the violation is not corrected by the specified compliance date, that an administrative citation will be issued which imposes a fine, for the amount of which will be specified; and
- (6) The name, signature and department of the enforcement officer issuing the pre-citation notice.

(c) Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) The section of this code violated and a description of the violation;
- (4) The amount of the fine for the code violation;
- (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

- (6) An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
  - (7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and
  - (8) The name, signature, and department of the citing enforcement officer.
- (d) An administrative citation shall be issued and served in accordance with Section 1.06.040. (Ord. 1848 § 1, 2014; Ord. 1679 § 4, 2005; Ord. 1669 § 5, 2005)

**1.06.040 Imposition of penalties.**

- (a) **First Administrative Citation.** If the violation is not abated by the date set forth in the courtesy notice, a first administrative citation shall be issued. The first administrative citation shall carry a fine of one hundred dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the first administrative citation. If an extension of the compliance date set forth in the first administrative citation is requested and approved in accordance with Section 1.06.050, the fine must be paid prior to the city's grant of the extension. The first administrative citation shall warn the responsible party of an additional two hundred fifty dollar penalty, or such amount as the city council may establish by resolution, for not abating the violation by the compliance date set forth in the first administrative citation or the extension period granted by the city.
- (b) **Second Administrative Citation.** If the violation continues after the compliance date in the first administrative citation or any extension period granted by the city, or a second violation of the same provision of this code occurs within one year of the compliance date of the first such violation, a second administrative citation shall be issued. The second administrative citation shall carry a fine of two hundred fifty dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the second administrative citation, and shall clearly indicate "SECOND ATTEMPT TO OBTAIN COMPLIANCE." If an extension of the compliance date set forth in the second administrative citation is requested and approved in accordance with Section 1.06.050, the full amount of all fines must be paid prior to the city's grant of the extension. The second administrative citation shall warn the responsible party of an additional five hundred dollars penalty for not abating the violation by the compliance date set forth in the second administrative citation or the extension period granted by the city.
- (c) **Third Administrative Citation.** If the violation continues after the compliance date in the second administrative citation or any extension period granted by the city, or a third or subsequent violation of the same provision of this code occurs within one year of the compliance date of the first such violation, a third administrative citation shall be issued. The third administrative citation shall carry a fine of five hundred dollars, or such amount as the city council may establish by resolution, and shall require abatement of the violation within ten calendar days from the date of the third administrative citation, and shall clearly indicate "FINAL ATTEMPT TO OBTAIN COMPLIANCE – FAILURE TO COMPLY MAY RESULT IN PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS – ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY." If an extension of the compliance date set forth in the third administrative citation is requested and approved in accordance with Section 1.06.050, the full amount of all fines must be paid prior to the city's grant of the extension. (Ord. 1679 §§ 5, 6, 2005; Ord. 1669 § 5, 2005)

**1.06.050 Action required upon receipt of an administrative citation.**

- (a) Upon receipt of an administrative citation, the responsible party must take one of the following actions to avoid additional penalties:
- (1) Correct the violation, pay the corresponding fine(s), if any, and contact the city to request a re-inspection, prior to the compliance date specified in the administrative citation; or

(2) Request an extension of time in writing, which shows a reasonable hardship pursuant to subsection (b) of this section, prior to the compliance date specified in the administrative citation; or

(3) Request a hearing to appeal the administrative citation pursuant to subsection (c) of this section.

(b) All requests for extensions must be made in writing, submitted to the enforcement officer, and present a reasonable hardship. The enforcement officer may grant a one-time extension at his/her discretion after payment of the fine due. The extension shall not exceed thirty days unless the matter is referred to the city manager for additional

time. The city manager may grant additional time as determined in the city manager's reasonable discretion, considering all relevant facts and circumstances of the hardship. If the case has been referred or appealed to the hearing officer, extensions may not be granted.

(c) A responsible party receiving an administrative citation may appeal such citation within ten calendar days from the date the citation is deemed served, or such extended date, if an extension is granted pursuant to Section 1.06.050.

(1) The appeal must be in writing and must indicate the appellant's full name and mailing address. It must be accompanied by the penalty amount and appeal fee which shall be set by city council resolution, must specify the basis for the appeal in detail, and must be filed with the city clerk's office. If the appeal deadline falls on a day City Hall is closed, then the deadline shall be extended until the next regular business day.

(2) As soon as practicable after receiving the written notice of appeal, the city manager shall fix a date, time, and place for the hearing before a hearing officer. Hearings shall take place once per month at a set time and date, unless the city finds it necessary to conduct hearings more frequently. Written notice of the time and place for the hearing may be served by first class mail, at the mailing address indicated on the written appeal. Service of the appeal notice must be made at least ten calendar days prior to the date of the hearing to the party appealing the administrative citation.

(3) The failure of any person with an interest in the property, or other responsible party, to receive such properly addressed notice of the hearing shall not affect the validity of any proceedings under this chapter. Service by first class mail, postage prepaid shall be effective on the date of mailing.

(4) Failure of any responsible party to file an appeal in accordance with the provisions of this section shall constitute a waiver of that responsible party's rights to administrative determination of the merits of the administrative citation and the amount of the penalty. If no appeal is filed, the administrative citation shall be deemed a final administrative order and a failure to exhaust the responsible party's administrative remedies.

(Ord. 1669 § 5, 2005)

#### **1.06.060 Hearing procedure.**

(a) The city manager shall designate a hearing officer or hearing officers to conduct appeals under this chapter. Each hearing officer shall be an individual or appointed person or board, subject to the provisions of the Political Reform Act of 1974 and all other laws, ordinances, or regulations of the state or the city relating to conflicts of interest. All costs associated with the hearing officer shall be paid from the appeal hearing fees and fines collected from administrative citations. The responsible party may request the city manager to excuse a hearing officer upon a showing of actual prejudice against the party's cause. The hearing officer shall conduct an orderly fair hearing and accept evidence on which persons would commonly rely in the conduct of their ordinary business affairs as follows:

(1) A valid citation shall be prima facie evidence of the violation.

(2) The hearing officer shall administer oaths and accept testimony by declaration under penalty of perjury relating to the violation and the appropriate means of correcting the violation.



- (3) The owner, agent, person responsible for the violation, or any other interested person, may present testimony or evidence concerning the violation and the means and time frame for correction.
- (b) The city manager shall establish all appropriate administrative regulations for implementing this chapter, including the conduct of hearings and rendering decisions pursuant to this section.
- (c) The hearing officer may modify the penalties stated in an administrative citation depending upon the circumstances of each case and the evidence presented and the hearing officer provides specific grounds for such modification in the written decision. The hearing officer has authority to reduce, conditionally reduce, or increase the amount of any penalties, subject to the fine amounts or limits established by the council by resolution. The hearing officer may impose conditions and deadlines for correction of violations or payment of outstanding penalties.
- (d) The failure of the responsible party or duly authorized representative to appear at the hearing shall constitute a forfeiture of the fine and appeal fees and a failure to exhaust the responsible party/appellant's administrative remedies.
- (e) The hearing officer shall make findings based on the record of the hearing and make a written decision based on the findings. The city shall preserve all exhibits submitted by the parties and shall serve the decision by first class mail on the appellant within ten calendar days after the hearing. The decision of the hearing officer dismissing the administrative citation is final and conclusive. The decision of the hearing officer affirming the administrative citation is final and conclusive, subject only to review by the Superior Court in accordance with state law pursuant to an appeal to Superior Court filed by the appellant within twenty days of the date that the administrative citation is served upon the appellant. There are no appeals to the city council.
- (f) If the hearing officer dismisses the administrative citation, all fines and appeal fees shall be refunded to the responsible party/appellant within thirty calendar days.
- (g) The responsible party who requested the hearing may obtain review of the hearing officer's administrative decision regarding the administrative citation by filing a petition for judicial review pursuant to the provisions of California Government Code Section 53069.4. (Ord. 1679 § 7, 2005; Ord. 1669 § 5, 2005)

#### **1.06.070 Collection of fines.**

- (a) The failure of any person to pay a fine assessed by administrative citation within the time specified on the administrative citation constitutes a debt to the city. To enforce that debt, the city manager may file a civil action, impose a special assessment as set forth below, or pursue any other legal remedy to collect such debt, including reasonable costs of collection and attorneys' fees.
- (b) The city council may impose a special assessment against the property that is the subject of a citation if the citation has been issued to the property owner. The city manager shall record a notice of lien in the office of the county recorder when the special assessment procedure is used. When so made and confirmed, the cost shall constitute a lien on that property for the amount of the assessment.
- (c) After confirmation and recordation, a copy shall be turned over to the Riverside County tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. Or, after recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- (d) Non-payment of fines which the city has made reasonable effort to collect shall be deemed a misdemeanor for which the responsible party may be prosecuted.
- (e) Administrative citation fines collected pursuant to this chapter shall be deposited into a an appropriate fund

to be administered in furtherance of the purposes of this chapter and to fund such code enforcement and public nuisance abatement actions and proceedings as the city council may identify or proscribe. (Ord. 1669 § 5, 2005)

**1.06.080 Civil or criminal actions not affected.**

Any administrative citations pursuant to this chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation. (Ord. 1669 § 5, 2005)

**1.06.090 Neighborhood involvement.**

The city manager shall cooperate with neighborhood organizations and the neighborhood involvement committee, as may be organized pursuant to the provisions of Chapter 2.55 of this code, in the implementation of this chapter. Such cooperation may include the provision of information and the establishment of forums for dialogue and communication on the requirements of the city's code and the city's enforcement of the code. Nothing in this chapter shall be construed as authorizing the city manager to appoint or designate any member of any neighborhood organization or the neighborhood involvement committee as an enforcement officer. (Ord. 1669 § 5, 2005)

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## DISCUSSION AGENDA ITEM 3

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      PAGES**

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3. Discussion/Decision regarding Appointment of a Council Liaison to the Planning Commission.



## **ACTION AGENDA ITEM**

Date: September 12<sup>th</sup>, 2018

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**Item:** Assign Council Member as Planning Commission Liaison

The Council has expressed interest in having a Councilmember serve as a Planning Commission Liaison. This role would include regular attendance at Planning Commission meetings, periodic meetings with the Planning Commission Chair and City Planner, and reporting back to the Council on the work of the Planning Commission.

It is important for this Liaison, and for any Councilmember who attends PC meetings, to refrain from commenting during the PC meetings on any actions by the Commission that could come back before the Council on appeal or for final approval.

*Staff recommends the Council assign this role to an interested Councilmember.*



## **DISCUSSION AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES**

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4. Discussion/Decision regarding Trinidad Head Cell Tower Lease Agreement.